
NEW YORK STATE **REGISTER**

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State agencies must specify in each notice which proposes a rule the last date on which they will accept public comment. Agencies must always accept public comment: for a minimum of 45 days following publication in the *Register* of a Notice of Proposed Rule Making or a Notice of Emergency Adoption and Proposed Rule Making for which full text was included in the Notice or posted on a state web site, or which is a consensus rule or a rule defined in SAPA § 102(2)(a)(ii); or for a minimum of 60 days following publication in the *Register* of a Notice of Proposed Rule Making or a Notice of Emergency Adoption and Proposed Rule Making for which a summary of the text of the rule was included in the Notice and the full text of which was not published on a state web site; and for 30 days after publication of a Notice of Revised Rule Making in the *Register*. When a public hearing is required by statute, the hearing cannot be held until 45 days after publication of the notice, and comments must be accepted for at least 5 days after the last required hearing. When the public comment period ends on a Saturday, Sunday or legal holiday, agencies must accept comment through the close of business on the next succeeding workday.

For notices published in this issue:

- the 60-day period expires on February 21, 2016
- the 45-day period expires on February 6, 2016
- the 30-day period expires on January 22, 2016

**ANDREW M. CUOMO
GOVERNOR**

**CESAR A. PERALES
SECRETARY OF STATE**

NEW YORK STATE DEPARTMENT OF STATE

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NEW YORK STATE REGISTER

Be a part of the rule making process!

The public is encouraged to comment on any of the proposed rules appearing in this issue. Comments must be made in writing and must be submitted to the agency that is proposing the rule. Address your comments to the agency representative whose name and address are printed in the notice of rule making. No special form is required; a handwritten letter will do. Individuals who access the online *Register* (www.dos.ny.gov) may send public comment via electronic mail to those recipients who provide an e-mail address in Notices of Proposed Rule Making. This includes Proposed, Emergency Proposed, Revised Proposed and Emergency Revised Proposed rule makings.

To be considered, comments must reach the agency before the proposed rule is adopted. The law provides for a minimum 45-day public comment period after publication in the *Register* of every Notice of Proposed Rule Making for which full text was included or posted on a state web site, or which is a consensus rule or a rule defined in SAPA § 102(2)(a)(ii); a minimum 60-day public comment period after publication in the *Register* of a Notice of Proposed Rule Making for which a summary of the text of the rule was included in the Notice and the full text of which was not published on a state web site; and a 30-day public comment period for every Notice of Revised Rule Making. If a public hearing is required by statute, public comments are accepted for at least five days after the last such hearing. Agencies are also required to specify in each notice the last date on which they will accept public comment.

When a time frame calculation ends on a Saturday or Sunday, the agency accepts public comment through the following Monday; when calculation ends on a holiday, public comment will be accepted through the following workday. Agencies cannot take action to adopt until the day after public comments are due.

The Administrative Regulations Review Commission (ARRC) is charged with the task of reviewing newly proposed regulations to examine the issues of compliance with legislative intent, impact on the economy, and impact on affected parties. In addition to sending comments or recommendations to the agency, please do not hesitate to transmit your views to ARRC:

Administrative Regulations Review Commission
State Capitol
Albany, NY 12247
Telephone: (518) 455-5091 or 455-2731

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Albany, NY 12231-0001
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KEY: (P) Proposal; (RP) Revised Proposal; (E) Emergency; (EP) Emergency and Proposal; (A) Adoption; (AA) Amended Adoption; (W) Withdrawal

Individuals may send public comment via electronic mail to those recipients who provided an e-mail address in Notices of Proposed Rule Making. This includes Proposed, Emergency Proposed, Revised Proposed and Emergency Revised Proposed rule makings. Choose pertinent issue of the *Register* and follow the procedures on the website (www.dos.ny.gov)

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RULE MAKING ACTIVITIES

Each rule making is identified by an I.D. No., which consists of 13 characters. For example, the I.D. No. AAM-01-96-00001-E indicates the following:

AAM -the abbreviation to identify the adopting agency
01 -the *State Register* issue number
96 -the year
00001 -the Department of State number, assigned upon receipt of notice.
E -Emergency Rule Making—permanent action not intended (This character could also be: A for Adoption; P for Proposed Rule Making; RP for Revised Rule Making; EP for a combined Emergency and Proposed Rule Making; EA for an Emergency Rule Making that is permanent and does not expire 90 days after filing.)

Italics contained in text denote new material. Brackets indicate material to be deleted.

Office of Alcoholism and Substance Abuse Services

ERRATUM

The following Notices of Adoption, ASA-36-15-00020-A, ASA-36-15-00021-A, ASA-36-15-00022-A, ASA-36-15-00023-A and ASA-37-15-00001-A, filed by the Office of Alcoholism and Substance Abuse Services and published in the December 9, 2015 issue of the *State Register* contained the incorrect effective date. The effective date for each Notice of Adoption cited above is December 9, 2015.

The Department of State apologizes for any confusion this may have caused.

Department of Audit and Control

NOTICE OF ADOPTION

Rate of Regular Interest, Rate of Estimated Earnings and Mortality Tables

I.D. No. AAC-39-15-00007-A

Filing No. 1040

Filing Date: 2015-12-08

Effective Date: 2015-12-23

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Amendment of section 300.1; repeal of Appendix 10-A, tables 44-56; and addition of new Appendix 10-A, tables 44-53 to Title 2 NYCRR.

Statutory authority: Retirement and Social Security Law, sections 11 and 311

Subject: Rate of regular interest, rate of estimated earnings and mortality tables.

Purpose: To conform the rate of regular interest and the rate of estimated earnings to the current rates established by the Comptroller.

Text or summary was published in the September 30, 2015 issue of the *Register*, I.D. No. AAC-39-15-00007-P.

Final rule as compared with last published rule: No changes.

Text of rule and any required statements and analyses may be obtained from: Jamie Elacqua, Office of the State Comptroller, 110 State Street, Albany, NY 12236, (518) 473-4146, email: jelacqua@osc.state.ny.us

Assessment of Public Comment

The agency received no public comment.

Office of Children and Family Services

EMERGENCY RULE MAKING

Durable and Consistent Safeguards for Vulnerable Persons

I.D. No. CFS-39-15-00001-E

Filing No. 1038

Filing Date: 2015-12-08

Effective Date: 2015-12-08

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Amendment of Parts 166, 180 and 182 of Title 9 NYCRR; and amendment of Parts 402, 421, 433, 435, 441, 442, 443, 447, 448, 449, 476, 477 and 489 of Title 18 NYCRR.

Statutory authority: Social Services Law, sections 20(3)(d) and 34(3)(f); Executive Law, sections 501(5) and 532-e; L. 2012, ch. 501

Finding of necessity for emergency rule: Preservation of public health, public safety and general welfare.

Specific reasons underlying the finding of necessity: Chapter 501 of the Laws of 2012 established the Justice Center for the Protection of People with Special Needs ("Justice Center"). The Justice Center is tasked with overseeing and improving consistency in responses to incidents of abuse and neglect of vulnerable people. The Justice Center has also been tasked with establishing standards for tracking and investigating complaints and enforcement against those who commit substantiated acts of abuse and neglect. The legislation requires the Office of Children and Family Services, as a state oversight agency of vulnerable persons, to develop standards consistent with the Justice Center. These standards are to protect vulnerable people against abuse, neglect and other conduct that may jeopardize their health, safety and welfare, and to provide fair treatment and notice to the employees. The Office of Children and Family Services must promulgate regulations to provide notice, guidance and standards to all facilities, provider agencies and employees who are affected by the legislation. The Justice Center took effect June 30, 2013.

Facilities and provider agencies covered by the legislation include voluntary agencies that operate residential programs that are licensed or certified by the Office of Children and Family Services, residential runaway and homeless youth programs, family type homes for adults, certified detention programs, OCFS operated juvenile justice programs, and any local department of social services that runs a detention program or has a contract with an authorized agency for detention services or has a contract(s) for care of foster children in out of state facilities.

Effective June 30, 2013 reports of suspected child abuse or neglect in a residential program are no longer under the jurisdiction of the Statewide Central Register of Child Abuse and Maltreatment (SCR). Any concerns regarding abuse or neglect of a child in a residential care program must be reported to the Vulnerable Persons Central Register (VPCR). The VPCR will also register reports of suspected abuse or neglect of persons residing in Family Type Homes for Adults (FTHA). Reports registered by the VPCR will be forwarded to Justice Center investigative staff or to investigative staff at the State Agency that licenses, certifies or operates the facility or provider agency. Regulations are required to provide direction to facilities, provider agencies, employees, local government staff and the public. It is imperative that rules be in place for the proper implementation of the Justice Center legislation.

In addition, these emergency regulations re-insert language at section 182-1.5 of Title 9 NYCRR to prohibit discrimination on the basis of sexual orientation, gender identity or expression. This language had been part of the regulations until June 2014 when they were inadvertently overwritten by other regulatory changes. This language is necessary to provide protection from such discrimination for the persons receiving services in the programs regulated by section 182-1.5 of Title 9 NYCRR.

Promulgating emergency regulations will ensure compliance with legislative requirements and provide the necessary guidance to affected persons. Absent the filing of emergency regulations, guidance, protections and processes will not be available to the aforementioned listed facilities and agencies.

Subject: Durable and consistent safeguards for vulnerable persons.

Purpose: To create an immediate set of durable and consistent safeguards for vulnerable persons.

Substance of emergency rule: Chapter 501 of the Laws of 2012 established the Justice Center for the Protection of People with Special Needs ("Justice Center"). The legislation requires the Office of Children and Family Services ("OCFS") to promulgate regulations consistent with the Justice Center oversight, regulations and enforcement. These regulations enact changes in line with the legislation to protect vulnerable people against abuse, neglect and other conduct that may jeopardize their health, safety and welfare, and to provide fair treatment and notice to the employees. The included additions and amendments allow OCFS to comply with the statutory requirements that became effective June 30, 2013.

The facilities and provider agencies that are license, operated or certified by OCFS that are affected are the following: residential runaway and homeless youth programs; family type homes for adults; certified detention programs; OCFS operated juvenile justice programs; voluntary agency run institutions, group residences, group homes, agency operated boarding homes including supervised independent living programs; and, any local department of social services that runs a detention program or has a contract with an authorized agency for detention services or has a contract(s) for care of foster children in out-of-state facilities. In addition, additional background check requirements were added for Family Foster Boarding Homes, and families applying to adopt a child. Regulations were added or amended to incorporate reporting, investigative, record keeping, record production, administrative, and personnel requirements, among others.

The first category of regulations added or amended address jurisdiction of the newly created Vulnerable Persons Central Register (VPCR). Regulations will now reflect that reports of suspected abuse or neglect of persons receiving services in OCFS licensed, certified or operated residential care programs will be reported to the VPCR. Additionally reports regarding significant incidents that harm or put a service recipient at risk of harm at those same programs will be reported to the VPCR.

The second category of regulations added or amended addresses requirements of mandated reporters and what mandated reporters will be required to report to the VPCR. Acts of abuse/neglect and significant incidents are defined and procedures regarding making a report to the VPCR are outlined.

The third category of regulations added or amended provides for the requirement of data collection by the facility or provider agencies in response to requests by the Justice Center and standards for release of that information by the Justice Center.

The fourth category of regulations added or amended provides for the creation of incident review committees to affected facilities and provider agencies.

The fifth category of regulations added or amended provides criminal history background checks and checks of the Justice Center's list of substantiated category one reports of abuse and neglect prior to hiring certain employees, use of volunteers or contracts with certain entities have been added or amended.

Lastly, language inadvertently overwritten in June 2014 was re-inserted at section 182-1.5 of Title 9 of the NYCRR. The re-inserted language prohibits discrimination on the basis of sexual orientation, gender identity or expression. Inclusion of this language provides protection from such discrimination for the persons receiving services in the regulated programs.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. CFS-39-15-00001-EP, Issue of September 30, 2015. The emergency rule will expire December 22, 2015.

Text of rule and any required statements and analyses may be obtained from: Public Information Office, New York State Office of Children and Family Services, 52 Washington Street, Rensselaer, New York 12144, (518) 473-7793, email: info@ocfs.ny.gov

Regulatory Impact Statement

1. Statutory authority:

Section 20(3)(d) of the Social Services Law (SSL) authorizes the Office of Children and Family Services (OCFS) to establish rules and regulations to carry out its powers and duties pursuant to the provisions of the SSL.

Section 34(3)(f) of the SSL requires the Commissioner of OCFS to establish regulations for the administration of public assistance and care within the State.

Section 501(5) and 532-e of the New York State Executive Law authorizes the Commissioner of OCFS to promulgate rules and regulations for the establishment, operation and maintenance of division facilities and programs.

Section 490 of the SSL as found in Chapter 501 of the Laws of 2012 requires the Commissioner of OCFS to promulgate regulations that contain procedures and requirements consistent with guidelines and standards developed by the justice center and addressing incident management programs required by the Chapter Law.

2. Legislative objectives:

The proposed changes to the regulations concerning vulnerable persons in programs licensed, certified or operated by OCFS are necessary to further the legislative objective that vulnerable persons be safe and afforded appropriate care.

3. Needs and benefits:

To the extent a change to the run away and homeless youth regulations is a technical change, the need is to reauthorize language already found in regulation and implemented by program.

The proposed changes to the regulations concerning vulnerable persons in programs licensed, certified or operated by OCFS providers is in response to the recognized need to strengthen and standardize the safety net for vulnerable persons, adults and children alike, who are receiving care from New York's human service agencies and programs. The Protection of People with Special Needs Act creates a set of uniform safeguards, to be implemented by a justice center whose primary focus will be on the protection of vulnerable persons. Accordingly, the benefit of this legislation is to create a durable set of consistent safeguards for all vulnerable persons that will protect them against abuse, neglect and other conduct that may jeopardize their health, safety and welfare, and to provide fair treatment to the employees upon whom they depend.

4. Costs:

The proposed regulatory changes are not expected to have an adverse fiscal impact on authorized agencies, family type homes for adults, or on the social services districts with regard to reporting and record keeping requirements. Current laws and regulations impose similar levels of reporting and record keeping. In conforming to and complying with the new statutory and regulatory requirements authorized agencies and other facilities will necessarily have to reconfigure current utilization of staff and duties. The enhancement of services for the protections of Vulnerable Persons will incur additional costs.

To the extent a change to the run away and homeless youth regulations is a technical change, there is no anticipated cost.

5. Local government mandates:

The proposed regulations will not impose any additional mandates on social services districts. Local Districts have been provided with an amended model contract for use in securing out of state residential services for children in foster care. This model contract replaced a model contract already in existence and used by Local Districts.

To the extent a change to the run away and homeless youth regulations is a technical change, there are no additional mandates.

6. Paperwork:

The proposed regulations do not require any additional paperwork.

Requirements regarding documentation are currently in regulation. These regulations will require sharing such documentation with the Justice Center.

7. Duplication:

The proposed regulations do not duplicate any other State or Federal requirements.

8. Alternatives:

These regulations are required to comply with Chapter 501 of the Laws of 2012 and add a technical change to 9 NYCRR 182-1.5.

9. Federal standards:

The regulatory amendments do not conflict with any federal standards.

10. Compliance schedule:

The regulations will be effective on September 9, 2015 to ensure compliance with Chapter 501 of the Laws of 2012.

Regulatory Flexibility Analysis

1. Types and estimated number of small businesses and local governments:

Social services districts and voluntary authorized agencies contracting with such social services districts to provide residential foster care services to children, authorized agencies providing juvenile detention services, runaway and homeless youth shelters and adult family type homes will be affected by the proposed regulations, as well as state operated juvenile justice facilities.

2. Reporting, recordkeeping and compliance requirements; and professional services:

Prior to Chapter 501 of the Laws of 2012, authorized agencies, facilities and mandated reporters employed by the same were required reporters of suspected child abuse or maltreatment to the New York Statewide Central Register of Child Abuse and Maltreatment. Pursuant to the statutory requirements of Social Services Law Sections 490 and 491, those mandated reporters are now required to report all reportable incidents, which will include but not be limited to those things previously falling within the definitions of abuse and neglect of a child in residential care, to the Vulnerable Persons Central Register. Authorized Agencies and facilities will be required to maintain the same level of practice as it relates to recordkeeping, and prevention and remediation plans. Authorized agencies and facilities will be required to comply with investigations and information requests as required by the Justice Center for the Protection of People with Special Needs, as defined in Article 20 of the Executive Law.

The proposed regulations and amendments alter practice to conform to statutory obligations set forth in Chapter 501 of the Laws of 2012.

3. Costs:

To the extent a change to the run away and homeless youth regulations is a technical change, there is no anticipated cost. All affected programs such as authorized agencies or facilities are currently subject to requirements governing reporting, record keeping, management of approved procedures and policies. As such the proposed regulations should not impose any additional costs associated with those functions. The statutory and regulatory requirements will necessarily require a reconfiguration of the current utilization of administrative costs to conform and comply with the requirements of the new law and conforming regulations. The statutory scheme provides for the enhancement of services for the protections of Vulnerable Persons, which will have added costs.

4. Economic and technological feasibility:

The proposed regulatory changes would not require any additional technology and should not have any adverse economic consequences for regulated parties.

5. Minimizing adverse impact:

The proposed changes to the regulations will require authorized agencies and facilities to conform to new reporting and record keeping requirements, however inconsistent and duplicative measures have been addressed by the regulations to minimize the impact. Trainings will be taking place across systems, as well as the dissemination of guidance documentation in advance of the effective date of the regulations.

6. Small business and local government participation:

Potential changes to the regulations governing the protection of people with special needs will be thoroughly addressed through statewide trainings and guidance documentation distributed to local representatives of social services, authorized agencies and facilities.

Rural Area Flexibility Analysis

1. Types and estimated number of rural areas:

Social services districts in rural areas and voluntary authorized agencies contracting with such social services districts to provide residential foster care services to children, authorized agencies providing juvenile detention services, runaway and homeless youth shelters and adult family type homes will be affected by the proposed regulations, as well as state operated juvenile justice facilities.

2. Reporting, recordkeeping and compliance requirements and professional services:

Prior to Chapter 501 of the Laws of 2012, authorized agencies, facilities and mandated reporters employed by the same were required reporters of suspected child abuse or maltreatment to the New York Statewide Central Register of Child Abuse and Maltreatment. Pursuant to the statutory requirements of Social Services Law Sections 490 and 491, those mandated reporters are now required to report all reportable incidents, which will include but not be limited to those things previously falling within the definitions of abuse and neglect of a child in residential care, to the Vulnerable Persons Central Register. Authorized Agencies and facilities will be required to maintain the same level of practice as it relates to recordkeeping, and prevention and remediation plans. Authorized agencies and facilities will be required to comply with investigations and information requests as required by the Justice Center for the Protection of People with Special Needs, as defined in Article 20 of the Executive Law.

The proposed regulations and amendments alter practice to conform to statutory obligations set forth in Chapter 501 of the Laws of 2012.

3. Costs:

To the extent a change to the run away and homeless youth regulations is a technical change, there is no anticipated cost. An authorized agency or facility is currently subject to requirements governing reporting, record keeping, management of approved procedures and policies, so the proposed regulations should not impose any additional costs associated with those functions. The statutory and regulatory requirements will necessarily require a reconfiguration of the current utilization of administrative costs to conform and comply with the requirements of the new law and conforming regulations. The statutory scheme provides for the enhancement of services for the protections of Vulnerable Persons, which will have added costs.

4. Minimizing adverse impact:

The proposed changes to the regulations require authorized agencies and facilities approved, licensed, certified or operated by the Office of Children and Family Services to protect Vulnerable Persons as defined by Social Services Law Section 488. The regulations are in direct response to the need to strengthen and standardize the protection of vulnerable people in residential care. The Protection of People with Special Needs Act creates uniform standards across systems to be implemented and monitored by the Justice Center.

5. Rural area participation:

Potential changes to the regulations governing implementation of the statute regarding the protection of people with special needs will be addressed through trainings and guidance documentation distributed to representatives of social services districts, authorized agencies, including those that serve rural communities.

Job Impact Statement

The proposed regulations are not expected to have a negative impact on jobs or employment opportunities in either public or private sector service providers. A full job statement has not been prepared for the proposed regulations as it is not anticipated that the proposed regulations will have any adverse impact on jobs or employment opportunities.

Assessment of Public Comment

The agency received no public comment since publication of the last assessment of public comment.

NOTICE OF ADOPTION

Durable and Consistent Safeguards for Vulnerable Persons

I.D. No. CFS-39-15-00001-A

Filing No. 1039

Filing Date: 2015-12-08

Effective Date: 2015-12-23

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Amendment of Parts 166, 180 and 182 of Title 9 NYCRR; and amendment of Parts 402, 421, 433, 435, 441, 442, 443, 447, 448, 449, 476, 477 and 489 of Title 18 NYCRR.

Statutory authority: Social Services Law, sections 20(3)(d) and 34(3)(f); Executive Law, sections 501(5) and 532-e; L. 2012, ch. 501

Subject: Durable and consistent safeguards for vulnerable persons.

Purpose: To create an immediate set of durable and consistent safeguards for vulnerable persons.

Text or summary was published in the September 30, 2015 issue of the Register, I.D. No. CFS-39-15-00001-EP.

Final rule as compared with last published rule: No changes.

Text of rule and any required statements and analyses may be obtained from: Public Information Office, New York State Office of Children and Family Services, 52 Washington Street, Rensselaer, New York 12144, (518) 473-7793, email: info@ocfs.ny.gov

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2018, which is no later than the 3rd year after the year in which this rule is being adopted.

Assessment of Public Comment

The agency received no public comment.

Department of Civil Service

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Jurisdictional Classification

I.D. No. CVS-51-15-00002-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Amendment of Appendix 2 of Title 4 NYCRR.

Statutory authority: Civil Service Law, section 6(1)

Subject: Jurisdictional Classification.

Purpose: To classify a position in the non-competitive class.

Text of proposed rule: Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Financial Services, by adding thereto the position of Chief Information Security Officer 1 (1).

Text of proposed rule and any required statements and analyses may be obtained from: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: jennifer.paul@cs.ny.gov

Data, views or arguments may be submitted to: Ilene Lees, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: ilene.lees@cs.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Jurisdictional Classification

I.D. No. CVS-51-15-00003-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Amendment of Appendix 1 of Title 4 NYCRR.

Statutory authority: Civil Service Law, section 6(1)

Subject: Jurisdictional Classification.

Purpose: To classify a position in the exempt class.

Text of proposed rule: Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Executive Department under the subheading "Office for the Aging," by increasing the number of positions of Deputy Director from 3 to 4.

Text of proposed rule and any required statements and analyses may be obtained from: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: jennifer.paul@cs.ny.gov

Data, views or arguments may be submitted to: Ilene Lees, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: ilene.lees@cs.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-15-00005-P, Issue of January 7, 2015.

Education Department

NOTICE OF EXPIRATION

The following notice has expired and cannot be reconsidered unless the Education Department publishes a new notice of proposed rule making in the NYS Register.

Field Tests for State Assessments, Alternate Assessments and Regents Examinations

I.D. No.	Proposed	Expiration Date
EDU-48-14-00008-P	December 3, 2014	December 3, 2015

Department of Environmental Conservation

PROPOSED RULE MAKING HEARING(S) SCHEDULED

Distributed Generation (DG) Sources That Feed the Distribution Grid or Produce Electricity for Use at Host Facilities or Both

I.D. No. ENV-51-15-00004-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Amendment of Part 200, Subpart 227-2; and addition of Part 222 to Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 1-0101, 3-0301, 19-0103, 19-301, 19-0303, 19-305, 19-0311, 71-2103 and 71-2105

Subject: Distributed generation (DG) sources that feed the distribution grid or produce electricity for use at host facilities or both.

Purpose: Establish emission limits for distributed generation sources.

Public hearing(s) will be held at: 10:00 a.m., Feb. 8, 2016 at One Hunter's Point Plaza, 47-40 21st St., Long Island City, NY; 1:00 p.m., Feb. 9, 2016 at 6274 E. Avon-Lima Rd., Avon, NY; and 9:00 a.m., Feb. 11, 2016 at 625 Broadway, Public Assembly Rm. 129, Albany, NY.

Interpreter Service: Interpreter services will be made available to hearing impaired persons, at no charge, upon written request submitted within reasonable time prior to the scheduled public hearing. The written request must be addressed to the agency representative designated in the paragraph below.

Accessibility: All public hearings have been scheduled at places reasonably accessible to persons with a mobility impairment.

Substance of proposed rule (Full text is posted at the following State website: www.dec.ny.gov): The Department of Environmental Conservation (Department) proposes to adopt 6 NYCRR Part 222, 'Distributed Generation Sources' and revise Part 200, 'General Provisions' and Subpart 227-2, 'Reasonably Available Control Technology (RACT) for Oxides of Nitrogen (NO_x)' to conform to new Part 222. A distributed generation (DG) source is defined in Section 222.2(b)(2) as a stationary reciprocating or rotary internal combustion engine that feeds into the distribution grid or produces electricity for use at the host facility or both.

Applicability

Part 222 will apply to owners and operators of distributed generation (DG) sources where the potential NO_x emissions are below the major source threshold set forth in paragraph 201-2.1(b)(21) of Part 201 and that have maximum mechanical output ratings of 200 horsepower (hp) or greater in the New York City metropolitan area or 400 hp or greater elsewhere in the state.

Emergency generators owned and operated by municipalities or municipal agencies may be used when the usual supply of power is available if doing so would prevent a violation of the Clean Water Act or Article 17 of the New York State Environmental Conservation Law through April 30, 2021. Thereafter, such sources will be subject to the emission standards set forth in Section 222.4 of Part 222.

Definitions and General Provisions

Definitions specific to Part 222 are presented in Part 222. Besides the definition of DG sources presented above, the other key term defined in Section 222.2 is 'economic dispatch source': "(a) distributed generation source used to reduce energy costs or ensure a reliable electricity supply for a facility. A distributed generation source that is not an emergency power generating stationary internal combustion engine as defined in section 200.1 is considered to be an economic dispatch source" (see paragraph 222.2(b)(3)).

A requirement that owners or operators of economic sources subject to Part 222 notify the Department in writing no later than April 1, 2016 regarding whether the sources will continue to be operated as economic dispatch sources or operated as emergency generators is incorporated into Section 222.3. If a source owner or operator fails to notify the Department as required in paragraph 222.3(a)(1), the Department will assume that such sources remain classified as economic dispatch sources.

Control Requirements (Section 222.4)

Economic dispatch sources must meet the following NO_x standards effective on May 1, 2016:

1. combined cycle combustion turbines firing natural gas: 25 parts per million on a dry volume basis corrected to 15 percent oxygen;
2. combined cycle combustion turbines firing oil: 42 parts per million on a dry volume basis corrected to 15 percent oxygen;
3. simple cycle combustion turbines firing natural gas: 50 parts per million on a dry volume basis corrected to 15 percent oxygen;
4. simple cycle combustion turbines firing oil: 100 parts per million on a dry volume basis corrected to 15 percent oxygen;
5. reciprocating engines firing natural gas: 1.5 grams per brake horsepower-hour.
6. reciprocating engines firing distillate oil (solely or in combination with other fuels): 2.3 grams per brake horsepower-hour.

Diesel-fired economic dispatch sources will be subject to a particulate matter limit of 0.30 grams per brake horsepower-hour effective May 1, 2016. An alternative compliance option is to equip affected sources with pollution control devices designed to remove 85 percent or more of the particulate matter from the exhaust stream.

Alternative Compliance Options

There are five alternative compliance options for owners or operators of economic dispatch sources which cannot meet the proposed NO_x emission limits set forth in Part 222. First, an owner or operator could apply for a variance for a source-specific NO_x limit. The owner or operator must provide sufficient documentation or other proof to convince the Department that it is economically or technically infeasible for the source to comply with the appropriate NO_x limit.

Second, an owner or operator may permanently shut down a DG source

by May 1, 2017. The intent to shut down a source must be recorded as part of an enforceable permit modification prior to May 1, 2016.

Third, an owner or operator of a diesel-fired economic dispatch source may convert the source to fire natural gas by May 1, 2017. The intent to shut down a source must be recorded as part of an enforceable permit modification prior to May 1, 2016.

The fourth option is available to facilities with renewable generation systems (RGS).¹ An effective emission rate, calculated using Equation 1 (below), may be compared to the applicable NO_x emission limit to demonstrate compliance with the emission limit. This option may only be used in cases where the NO_x standard is in units of grams per brake horsepower-hour. This approach allows a facility to take credit for electricity generated by the RGS.

$$\text{Equation 1. } E = 0.338 * N / (D + R)$$

where:

E = effective emission rate (grams per brake horsepower-hour);

N = NO_x emissions (pounds);

D = electricity generated by the DG source (megawatt-hours); and

R = electricity generated by the RGS (megawatt-hours).

The fifth option (subdivision 222.5(b)) is available only to DG sources enrolled during calendar years 2014 or 2015 in demand response programs established to maintain the reliability of the electric grid. Eligible sources would be granted an extra year (until May 1, 2017) to comply with the emission standards set forth in Section 222.4 provided:

1. the source owner or operator complies with the notification requirement of subdivision 222.3(a) of Part 222;
2. the source owner or operator provides evidence that the source was enrolled during calendar year 2014 or 2015 in a demand response program established to maintain the reliability of the electric grid; and
3. the source owner or operator does not pledge an amount of generation during calendar year 2016 greater than that pledged during 2014 or 2015.

The Department may extend the compliance date for sources subject to subdivision 222.5(b) of Part 222 until May 1, 2018 or May 1, 2019 based, at least in part, on a determination by the New York State Department of Public Service that an extension is needed to preserve reliability of the electric grid in the particular zone or subzone in which an affected source is located.

Emissions Testing

Sources subject to emission limits must be tested by April 30, 2016 and must undergo additional emissions testing once every 10 years. Emergency generators are exempt from this provision since this class of sources will not be subject to any emission limits.

Changes to Part 200 and Subpart 227-2

The definition of a 'stationary internal combustion engine' under current 6 NYCRR Subpart 227-2.2(b)(11) will be removed and added to Section 200.1 since the term will now be applicable to multiple regulations.

¹ A renewable generation system is defined in Section 222.2 as a photovoltaic or wind power electricity generating system.

Text of proposed rule and any required statements and analyses may be obtained from: John Barnes, P.E., NYSDEC, Division of Air Resources, 625 Broadway, Albany, NY 12233-3251, (518) 402-8396, email: air.regs@dec.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: February 18, 2016.

Additional matter required by statute: Pursuant to Article 8 of the State Environmental Quality Review Act, a Short Environmental Assessment Form, a Negative Declaration and a Coastal Assessment Form have been prepared and are on file.

Summary of Regulatory Impact Statement

Distributed generation (DG) sources are engines used by a site to supply electricity outside that which is supplied by the electrical grid. This on-site generation of electricity by DG sources is used by a wide-range of facilities either in non-emergency situations that reduce demand on the electric grid and preserve the overall reliability of the grid, or in emergency situations when the usual supply of power from central station power plants becomes unavailable. Currently, the exact number of DG sources in New York is unknown, but the Northeast States for Coordinated Air Use Management (NESAUM) estimated that there may be over 15,000 diesel generators in the state,¹ which provide electricity in times of high demand or during emergency events.

Therefore, the Department of Environmental Conservation (Department) is proposing to adopt 6 NYCRR Part 222, 'Distributed Generation Sources' and make conforming revisions to Part 200, 'General Provisions' and Subpart 227-2, 'Reasonably Available Control Technology (RACT) for Oxides of Nitrogen (NO_x)' to establish emission standards, monitoring requirements and record keeping requirements for certain DG sources in

New York State. The proposed rule will apply to DG sources not currently regulated under Subpart 227-2 or subject to a federal New Source Performance Standard (NSPS), as long as the federal standards are less than or equal to the Part 222 emission limits.

The statutory authority to promulgate Part 222 and the revise 6 NYCRR Part 200 and Subpart 227-2 is found in the New York Environmental Conservation Law (ECL), Sections 1-0101, 3-0301, 19-0103, 19-0105, 19-0301, 19-0303, 19-0305, 19-0311, 71-2103 and 71-2105.

As required by the New York State Administrative Procedures Act (SAPA), a Regulatory Impact Statement (RIS) is being submitted with this rulemaking package and sets forth, among other things, the Department's reasoning for this rulemaking, costs for complying with the rule, and a summary of considered alternatives to this rulemaking. A summary of the RIS is presented below.

I. NEEDS AND BENEFITS

The Department is proposing to adopt Part 222 to reduce NO_x emissions from DG sources, thereby helping New York attain the federal 2008 ozone National Ambient Air Quality Standard (NAAQS) and protect human health and welfare. In particular, the proposed rule is a critical component in the state's ability to meet the federal 2008 ozone NAAQS in the New York City metropolitan area (NYMA), which is currently designated as non-attainment for ozone. The increased of certain DG sources, especially uncontrolled diesel-fired generators, has made it increasingly difficult for the state to comply with the 2008 ozone NAAQS. This proposed rule will address attainment of the 2008 ozone NAAQS as well as the public health impacts of NO_x and PM, pollutants emitted by DG sources. In addition, NYMA is currently meeting the PM_{2.5} NAAQS, but only by a small margin. The PM controls in the proposed rule will help ensure that NYMA continues to meet the standard.

For purposes of determining which DG sources are subject to the emission limits under proposed Part 222, the Department divided DG sources into two primary regulatory classifications: emergency power generating stationary reciprocating internal combustion engines ("emergency generators") and economic dispatch sources. Emergency generators, defined in 6 NYCRR 200.1(cq), are not subject to the proposed emission limits. Economic dispatch sources are subject to the proposed emissions limits.

Economic dispatch sources are defined in proposed Part 222 as DG sources used to reduce energy costs or ensure reliable electricity for a facility. Any DG source that is not exclusively an emergency generator, is considered to be an economic dispatch source for purposes of the rule, including CHP systems and DG sources enrolled in demand response programs. Generally, economic dispatch sources are used in two ways: peak load generation; and base load generation. Peak load generation is used during times when the cost of electricity supplied by utilities is high. Alternatively, base load generation systems are designed to provide all or a portion of the electricity demand for a facility throughout the year.

DG sources enrolled in demand response programs are typically uncontrolled emergency generators that operate when called upon by a sponsoring organization to reduce demand on the electric grid, thus preserving the reliability of the grid. These sources are typically used on high electric demand days, which generally correspond to days with high ground-level ozone concentrations. Demand response programs are sponsored by the New York Independent System Operator (NYISO), Long Island Power Authority (LIPA), New York Power Authority (NYPA) and Consolidated Edison Company of New York (Con Edison). According to a NYISO filing, DG resources comprised approximately 13 percent of the total capacity enrolled in the NYISO programs in May 2011.² The remainder of demand response resources consisted of curtailment and load shifting resources. Facilities enrolled in demand response programs receive revenue from the program sponsors for guaranteeing load reductions (kW) or for electricity generated and/or curtailed (kWh).

The total capacity of the DG sources enrolled in the NYISO demand response programs in the New York City metropolitan area was 134.7 MW in May 2011. The average duration of a demand response event is approximately six (6) hours. Assuming all of these DG sources operate during a typical event, these sources would emit approximately 13 tons of NO_x per event. This estimate does not include emissions from generation sources enrolled in demand response programs sponsored by Con Edison, NYPA or LIPA. The NO_x emissions estimate for DG sources enrolled in NYISO's demand response programs would be reduced to 2.7 tons per day if the sources were required to meet the proposed NO_x emission standard. Since demand response programs are typically activated on high ozone days, a 10 ton per day reduction in emissions from these sources is a step towards attaining the 2008 ozone NAAQS.

Further, the New York City Energy Policy Task Force estimated that the total capacity of emergency generators in New York City at 1,320 MW.³ Potentially, all of these emergency generators could be enrolled in demand response programs.⁴ If this estimate is accurate and all such sources are used as demand response sources, the estimated daily NO_x emissions would be more than 127 tons. It would be very difficult to

develop a regulatory strategy to bring the NYMA into attainment with the 2008 ozone NAAQS if all emergency generators in New York City were allowed to participate in demand response programs without requiring pollution controls.

DG sources have short stacks, which means the exhaust plumes are not dispersed as effectively as plumes from central station power plants. Therefore, emissions from DG sources can have a greater impact on populations living and working in the vicinity of the sources. DG sources emit NO_x, a precursor to ground-level ozone, which can irritate lung tissues and cause symptoms such as coughing, wheezing and difficulty breathing.⁵ Additionally, chronic exposure to ground-level ozone may cause permanent lung damage.⁶ DG sources also emit PM which has been linked to adverse health impacts including aggravated asthma, decreased lung function, irregular heartbeat and heart attacks.⁷

DG sources should be subject to emission standards to reduce public health impacts since these sources displace the electricity traditionally generated by central station power plants which are subject to strict emission limits. The reliance on demand response programs is a disincentive for building new central station power plants since the electricity generated during demand response events is necessary to maintain the integrity of the grid.

Therefore, the NO_x and PM emission limits established for DG sources in this proposed rule will help reduce public health impacts, especially for individuals living and working near them, and the reduction in ground-level ozone from the proposed NO_x limits will help the state attain the federal 2008 ozone NAAQS.

II. COMPLIANCE REQUIREMENTS

On the effective date of this rule, Part 222 will apply to DG sources that meet the following applicability thresholds:

1. Mechanical output rating of 200 horsepower (hp) or greater for DG sources located in the NYMA; and
2. Mechanical output rating of 400 hp or greater for sources located outside of the NYMA.

Emergency generators owned by municipalities or municipal agencies may be operated in cases where the usual supply of electricity is still available if such operation would prevent a violation of the Clean Water Act or Article 17 of the ECL through April 30, 2021. This would allow such generators to run in order to prevent direct sewage discharges to waterways in the state, while giving municipalities time to control emissions from their emergency generators. Beginning May 1, 2021, such sources would be required to meet the standards set forth in Section 222.4 of Part 222 or be replaced with engines meeting standards adopted by the USEPA.

On May 1, 2016, the following NO_x emission limits will apply to economic dispatch sources subject to Part 222:

- natural gas-fired simple cycle combustion turbines: 50 parts per million by volume on a dry basis (ppmvd) corrected to 15 percent O₂;
- oil-fired simple cycle combustion turbines: 100 ppmvd corrected to 15 percent O₂;
- natural gas-fired combined cycle combustion turbines: 25 ppmvd corrected to 15 percent O₂;
- oil-fired combined cycle combustion turbines: 42 ppmvd corrected to 15 percent O₂;
- natural gas-fired engines: 1.5 grams per brake horsepower-hour (g/bhp-h);
- diesel-fired engines: 2.3 g/bhp-h

Also on May 1, 2016, diesel-fired economic dispatch sources must meet a PM emission limit of 0.30 g/bhp-h, or be equipped with a pollution control device designed to remove 85 percent or more of PM from the exhaust stream. Part 222 compliance requirements are further described in the RIS.

III. COSTS

Selective catalytic reduction (SCR) systems can reduce the NO_x emissions from lean-burn natural gas fired-engines and diesel-fired engines by up to 90 percent.⁸ The capital cost (installed) of SCR control systems range from \$188,000 (1200 hp engine) to \$304,000 (2000 hp engine).

The Department evaluated the costs for operating SCR systems under a wide range of scenarios over a 10-year period. Control costs of \$5,000 per ton of NO_x reduced are considered reasonable under Subpart 227-2. For pre-NSPS engines, the cost per ton of NO_x reduced would be less than \$5,000 for sources operating 1,500 hours per year or more. For post-NSPS engines, the \$5,000 per ton threshold would be met when operating 3,000 hours per year or more. Therefore, in the opinion of the Department, the costs to operate SCR systems are reasonable.

Non-selective catalytic reduction (NSCR) systems can reduce the NO_x emissions from rich-burn natural gas fired-engines engines by up to 98 percent.⁹ The capital cost (installed) of NSCR control systems range from \$53,000 (1200 hp engine) to \$83,000 (2000 hp engine). The cost per ton of NO_x reduced is less than \$5,000 when operating more than 200 hours per year.

'Compliance Testing'

The emission testing costs are estimated to be \$8,000 (NO_x only) to \$15,000 (NO_x and PM) per source¹⁰. Emission testing must be performed once every ten years. Emission testing for PM is not required for engines equipped with pollution control devices verified by the California Air Resources Board (CARB) as meeting the Level 3 or Level 3 Plus Classification per the California Code of Regulations, Title 13, Sections 2700-2711.

'Alternative Compliance Options'

There are five alternative compliance options for owners or operators of economic dispatch sources set forth in Section 222.5 of Part 222. These options include source-specific emission rates in cases where it is economically or technically infeasible to meet the NO_x standard; additional time to permanently shut down a DG source; converting a diesel-fired economic dispatch source to fire natural gas; and a credit for using a renewable generation system (photovoltaic or wind generation systems). A one-year extension of the compliance date for sources enrolled in demand response programs established to maintain reliability of the electric grid is included in the rule. This provision is limited to DG sources enrolled in demand response programs in 2014 or 2015.

¹ "Stationary Diesel Engines in the Northeast: An Initial Assessment of the Regional Population, Control Technology Options and Air Quality Policy Issues", NESCAUM, June 2003, pg. 26.

² "Semi-Annual Compliance Report of Demand Response Programs", New York Independent System Operator, June 1, 2011.

³ "New York City Energy Policy: An Electricity Resource Roadmap", New York City Energy Policy Task Force, January 2004, page 32.

⁴ At which point such sources would no longer be considered emergency generators.

⁵ "Health Effects", EPA (www.epa.gov/airquality/ozonepollution/health.html)

⁶ Ibid.

⁷ USEPA, www.epa.gov/pm/health.html

⁸ "NO_x Control for Stationary Gas Engines", Wilson Chu (Johnson-Matthey), Advances in Air Pollution Control Technology, MARAMA Workshop, May 19, 2011.

⁹ "NO_x Control for Stationary Gas Engines", Wilson Chu (Johnson-Matthey), Advances in Air Pollution Control Technology, MARAMA Workshop, May 19, 2011.

¹⁰ Stack testing costs are based upon an informal Department survey of several stack testing companies.

Regulatory Flexibility Analysis

The Department of Environmental Conservation (Department) proposes to adopt 6 NYCRR Part 222, 'Distributed Generation Sources' and revise Part 200, 'General Provisions' and Subpart 227-2, 'Reasonably Available Control Technology (RACT) for Oxides of Nitrogen (NO_x)' to conform to new Part 222. A distributed generation (DG) source is any stationary internal combustion engine used to produce electricity exclusively for use at the host facility. The purpose of this rulemaking is to establish emission limits, recordkeeping and testing requirements for DG sources.

EFFECT OF THE RULE

Distributed generation can be used to meet all or part of the electricity demand of any facility for short periods of time (e.g., emergency generator use during a blackout) or year-round. The type of DG application depends upon the needs of the facility (e.g., the need for a constant, reliable electricity supply) and economic considerations. Distributed generation is used in a wide range of commercial and industrial facilities including, but not limited to, hospitals, financial institutions, colleges, shopping centers, farms, apartment complexes and office buildings. It is estimated that as many as 26,000 sites in New York could potentially use combined heat and power (CHP) systems.^{1, 2} Although not all of those sites would use CHP systems, this estimate provides insight as to the number of sites where DG applications might be used. Small businesses and local governments with DG sources other than emergency generators would be subject to emission standards and emissions testing requirements set forth in Part 222.

Energy services companies (ESCOs) would also be affected by Part 222. ESCOs enroll facilities into demand response (DR) programs sponsored by the New York Independent System Operator and some transmission operators. ESCOs' DR portfolios contain curtailment, load shifting, energy efficiency and DG resources. Most DG resources in these portfolios are uncontrolled, diesel-fired engines that would be subject to NO_x and PM emission standards set forth in Section 222.4 of the rule. These standards would take effect on May 1, 2016. Post-combustion pollution control systems would likely be required for most engines that commenced operation prior to the effective date of Part 222 in order to meet the emission standards. There is a potential that owners of generators enrolled in DR programs may not make the necessary investments to meet

the emission standards and would be dropped from ESCOs' DR portfolios resulting in a reduction in income for both the ESCO and the source owner.³ DG resources comprised 13 percent of the resources enrolled in the NYISO's Emergency Demand Response Program and Special Case Resources Program (combined) as of May 2011.⁴ Therefore, it is expected that the provisions of Part 222 would minimally impact ESCOs.

COMPLIANCE REQUIREMENTS

On the effective date of this rule, Part 222 would apply to DG sources that meet the following thresholds:

1. mechanical output rating of 200 horsepower (hp) or greater for sources located in the New York City metropolitan area; and
2. mechanical output rating of 400 hp or greater for sources located outside of the New York City metropolitan area.

Emergency generators owned by municipalities or municipal agencies may be operated in cases where the usual supply of electricity is still available if such operation would prevent a violation of the Clean Water Act or Article 17 of the ECL through April 30, 2021. The purpose of this provision is to allow such generators to run in order to prevent direct sewage discharges to waterways in the state. Beginning May 1, 2021, such sources would be required to meet the standards set forth in Section 222.4 of Part 222 or be replaced with engines meeting standards adopted by the USEPA.

Also on the effective date of this rule, the maintenance and testing of emergency power generating stationary internal combustion engines would be prohibited during the hours of 1:00 pm and 8:00 pm during the period of May 1 through September 30 of each year.

By April 1, 2016, owners or operators of DG sources required to operate under permits or registration certificates must notify the Department whether the sources would be operated as emergency generators or economic dispatch sources. In cases where such notification is not provided by the compliance date, the DG source would be considered an economic dispatch source for regulatory purposes.

On May 1, 2016, the following NO_x emission limits would apply to economic dispatch sources subject to Part 222:

- natural gas-fired simple cycle combustion turbines: 50 parts per million on a dry volume basis (ppmvd) corrected to 15 percent O₂
- oil-fired simple cycle combustion turbines: 100 ppmvd corrected to 15 percent O₂
- natural gas-fired combined cycle combustion turbines: 25 ppmvd corrected to 15 percent O₂
- oil-fired combined cycle combustion turbines: 42 ppmvd corrected to 15 percent O₂
- natural gas engines: 1.5 grams per brake horsepower-hour (g/bhp-h)
- diesel-fired engines: 2.3 g/bhp-h

Also on May 1, 2016, diesel-fired DG sources must be in compliance with one of the following requirements regarding particulate emissions:

- a. must be equipped with a pollution control device designed to remove 85 percent or more of the PM in the exhaust stream; or
- b. must be in compliance with a particulate emission limit of 0.30 g/bhp-h.

By April 30, 2016, owners and operators of DG sources subject to an emission limit(s) must conduct an initial emissions test to demonstrate compliance with the emission limits set forth in Part 222. Additional testing must be conducted at a frequency of once every 10 years. Also, the rule requires owners and operators of DG sources to notify DEC 60 days prior to testing and to submit a copy of the test report to DEC within 60 days following the test. Records of the emission tests must be maintained and made available to the DEC.

Emission testing for PM is not required for engines equipped with pollution control devices verified by CARB as meeting the Level 3 or Level 3 Plus classification per the California Code of Regulations, Title 13, Sections 2700-2711.

Within one year of the effective date of the rule or within 12 months of commencing operation of a DG source subject to the rule, whichever is later, the owner and operator of the source must conduct an initial tune-up of the source. Additionally, the DG source must be tuned-up at least once every 12 months. Records of annual tune-ups must be maintained at the facility for a period of five years.

PROFESSIONAL SERVICES

The services of an engineering consultant may be required in order to complete a permit. A stack testing company would be required to conduct the emissions testing required in 222.6. The services of a certified technician may be required to conduct the annual tune-up required in Section 222.4.

COMPLIANCE COSTS

The costs for post-combustion control systems are presented in the following sections for 1200 hp and 2000 hp engines. As a point of comparison, replacement costs for new 1200 hp or 2000 hp engines that meet the NSPS requirements range from \$525,000 to \$1,000,000.^{5, 6}

Selective Catalytic Reduction (SCR) Systems

Selective catalytic reduction (SCR) systems can reduce the NO_x emis-

sions from lean-burn natural gas fired-engines and diesel-fired engines by up to 90 percent.⁷ The capital cost (installed) of SCR control systems are presented in Table 1.

Table 1: Capital Costs for SCR Systems

Cost Component	1200 hp Engine	2000 hp Engine
SCR System ⁸	\$103,000	\$171,700
Installation	\$61,800	\$103,000
Taxes	\$8,300	\$13,800
Testing ⁹	\$15,000	\$15,000
Total Cost	\$188,100	\$303,500

Operational costs vary depending upon several factors. The primary driver is the reagent (urea) cost. The other operational factors DEC considered in developing cost estimates for SCR systems were insurance, maintenance and labor costs.

The Department evaluated the costs for operating SCR systems under a wide range of scenarios over a 10-year period. Control costs of \$5,000 per ton of NO_x reduced are considered reasonable under Subpart 227-2. For pre-NSPS engines, the cost per ton of NO_x reduced would be less than \$5,000 for sources operating 1,500 hours per year or more. For post-NSPS engines, the \$5,000 per ton threshold would be met when operating 3,000 hours per year or more. Therefore, in the opinion of the Department, the costs to operate SCR systems are reasonable.

Non-Selective Catalytic Reduction (NSCR) Systems

Non-selective catalytic reduction (NSCR) systems can reduce the NO_x emissions from rich-burn natural gas fired-engines engines by up to 98 percent.¹⁰ The capital cost (installed) of NSCR control systems are presented in Table 2.

Table 2: Capital Costs for NSCR Systems

Cost Component	1200 hp Engine	2000 hp Engine
SCR System	\$26,700	\$44,400
Installation	\$16,000	\$26,700
Taxes	\$2,100	\$3,500
Testing ¹¹	\$8,000	\$8,000
Total Cost	\$52,800	\$82,600

NSCR catalysts need to be replaced every five years.¹² Replacement catalyst is estimated to cost 7 percent of the original NSCR system cost. In DEC cost analyses, the cost of installing the replacement catalyst was assumed to be 60 percent of the cost of the new catalyst. Annual costs for operating NSCR include insurance, maintenance and labor. The cost per ton of NO_x reduced is less than \$5,000 when operating more than 200 hours per year.

'Particulate Matter (PM) Emissions'

Particulate control equipment (e.g. - particulate traps or oxidation catalysts) may be required in order for some sources to comply with the particulate emission standard. The costs for particulate control equipment are approximately \$55 per KW installed (\$49,200 - \$82,000 for the engine sizes discussed in this section).¹³

'Compliance Testing'

The emission testing costs are estimated to be \$8,000 (NO_x only) to \$15,000 (NO_x and PM) per source.¹⁴ Emission testing for PM is not required for engines equipped with pollution control devices verified by the California Air Resources Board as meeting the Level 3 or Level 3 Plus Classification per Chapter 14, Title 13 of the California Code of Regulations.

MINIMIZING ADVERSE IMPACT

There were several instances where the Department incorporated measures into Part 222 to minimize the impact of the rule on small businesses or local governments. Summaries of these measures are presented below.

There are five alternative compliance options for owners or operators of economic dispatch sources set forth in Section 222.5 of Part 222. These options include source-specific emission rates in cases where it is economically or technically infeasible to meet the NO_x standard; additional time to permanently shut down a DG source; converting a diesel-fired economic dispatch source to fire natural gas; and a credit for using a renewable generation system (photovoltaic or wind generation systems). Further, a one-year extension of the compliance date for sources enrolled in demand response programs established to maintain reliability of the

electric grid is included in the rule. This provision is limited to DG sources enrolled in demand response programs in 2014 or 2015.

The Department considered establishing caps on the number of sources enrolled in demand response programs to reduce emissions from this source category. The capacity of such units, measured in units of megawatts, would have been used as a basis for the caps. This alternative was rejected because the implementation of the capping provisions would put the Department in the position of determining which demand response sources could be enrolled in a demand response program by approving or denying permit applications. This could put the Department in the position of regulating demand response programs which is not within the Department's legal authority.

New biogas-fired sources would be exempt from Part 222. Farms with animal waste digesters and municipalities with waste water treatment plants would only need to comply with 40 CFR 60 Subpart JJJJ when installing and operating new DG sources fired with biogas.

SMALL BUSINESS AND LOCAL GOVERNMENT PARTICIPATION

The proposed rulemaking is the result of a stakeholder process initiated by the Department in 2001. Stakeholder Meetings were held on November 13, 2001, December 12, 2002, April 8, 2003, May 17, 2004, June 29, 2006 and June 25, 2013. Drafts of Part 222 were circulated electronically to stakeholders in May 2004, January 2005, June 2006 and May 2013. More than 175 stakeholders have been involved in the process of developing Part 222 and anyone who requested to be added to the list of stakeholders was added. The meeting of April 8, 2003 was advertised in the Department's Environmental Notice Bulletin.

Many of the participants in the stakeholder process represented small businesses and local governments. These groups include law firms, consultants, trade organizations, manufacturers, and governmental agencies that work with small businesses and local governments.

ECONOMIC AND TECHNOLOGICAL FEASIBILITY

The pollution control technologies that would be required in order for a small business or local government to comply with the emission standards incorporated into Part 222 are readily available and are proven technologies. Three-way catalyst systems for rich-burn engines and selective catalytic reduction systems are used today in a wide-range of applications.

¹ CHP is a subset of distributed generation sources in which energy is recovered from exhaust gases to provide heat or hot water.

² "NYSERDA's CHP Program: Moving the Market Forward", Dana Levy and Brian Platt. Presentation at the NYSDPS CHP Technical Conference, May 13, 2013.

³ Demand response payments are not the primary source of income for DR source owners or operators.

⁴ "Semi-Annual Compliance Report on Demand Response Programs", NYISO, June 1, 2011.

⁵ E-mail from Joe Suchecki (Truck & Engine Manufacturers Association) to John Barnes (DEC) dated November 8, 2013.

⁶ Replacement costs as well as the costs for pollution control systems could be higher than the costs presented in this section in cases where there are space limitations or building or fire code requirements that must be met.

⁷ "NO_x Control for Stationary Gas Engines", Wilson Chu (Johnson-Matthey), Advances in Air Pollution Control Technology, MARAMA Workshop, May 19, 2011.

⁸ Sources: CARB 2010. Regulatory Analysis for Revisions to Stationary Diesel Engine Air Toxic Control Measure. Appendix B. Analysis of Technical Feasibility and Costs of After-treatment Controls on Emergency Diesel Engines; and (2) Producer Price Index, U.S. Department of Labor, Bureau of Labor Statistics.

⁹ Testing costs include NO_x and PM tests (diesel engines). For natural gas-fired engines, the estimated cost is \$8,000 for NO_x tests only.

¹⁰ "NO_x Control for Stationary Gas Engines", Wilson Chu (Johnson-Matthey), Advances in Air Pollution Control Technology, MARAMA Workshop, May 19, 2011.

¹¹ Emissions tests for NO_x only since the PM standard does not apply to natural gas engines.

¹² E-mail from Wilson Chu (Johnson Matthey) to John Barnes (DEC) dated January 24, 2008.

¹³ Sources: CARB 2010. Regulatory Analysis for Revisions to Stationary Diesel Engine Air Toxic Control Measure. Appendix B. Analysis of Technical Feasibility and Costs of After-treatment Controls on Emergency Diesel Engines; and (2) Producer Price Index, U.S. Department of Labor, Bureau of Labor Statistics.

¹⁴ Stack testing costs are based upon an informal Department survey of several stack testing companies.

Rural Area Flexibility Analysis

The Department of Environmental Conservation (Department) proposes to 1) adopt 6 NYCRR Part 222, 'Distributed Generation Sources', and 2) revise Part 200, 'General Provisions' and Subpart 227-2, 'Reasonably Available Control Technology (RACT) for Oxides of Nitrogen (NO_x)' to conform to the new Part 222. A distributed generation (DG) source is any stationary internal combustion engine used to produce electricity for use at the host facility. The purpose of this rulemaking is to establish emission limits, recordkeeping and testing requirements for DG sources that are not subject to Subpart 227-2.

TYPES AND ESTIMATED NUMBERS OF RURAL AREAS AFFECTED

Part 222 and the revisions to Part 200 will apply to facilities statewide. The primary impact of the rule will be in urban areas, especially in the New York City metropolitan area, although the rules will also apply to facilities in rural areas. The types of rural facilities that could be subject to the rules include hospitals, universities, wastewater treatment plants and farms.

COMPLIANCE REQUIREMENTS

On the effective date of this rule, Part 222 will apply to DG sources that meet the following thresholds:

1. mechanical output rating of 200 horsepower (hp) or greater for sources located in the New York City metropolitan area; and
2. mechanical output rating of 400 hp or greater for sources located outside of the New York City metropolitan area.

Emergency generators owned by municipalities or municipal agencies may be operated in cases where the usual supply of electricity is still available if such operation would prevent a violation of the Clean Water Act or Article 17 of the ECL through April 30, 2021. The purpose of this provision is to allow such generators to run in order to prevent direct sewage discharges to waterways in the state. Beginning May 1, 2021, such sources would be required to meet the standards set forth in Section 222.4 of Part 222 or be replaced with engines meeting standards adopted by the USEPA.

Also on the effective date of this rule, the maintenance and testing of emergency power generating stationary internal combustion engines will be prohibited during the hours of 1:00 pm and 8:00 pm during the period of May 1 through September 30 of each year.

By April 1, 2016, owners or operators of DG sources that are required to operate under permits or registration certificates must notify the Department whether the sources will be operated as emergency generators or economic dispatch sources. In cases where such notification is not provided by the compliance date, the DG source will be considered an economic dispatch source for regulatory purposes.

On May 1, 2016, the following NO_x emission limits will apply to economic dispatch sources subject to Part 222:

- natural gas-fired simple cycle combustion turbines: 50 parts per million on a dry volume basis (ppmvd) corrected to 15 percent O₂
- oil-fired simple cycle combustion turbines: 100 ppmvd corrected to 15 percent O₂
- natural gas-fired combined cycle combustion turbines: 25 ppmvd corrected to 15 percent O₂
- oil-fired combined cycle combustion turbines: 42 ppmvd corrected to 15 percent O₂
- natural gas engines: 1.5 grams per brake horsepower-hour (g/bhp-h)
- diesel-fired engines: 2.3 g/bhp-h

Also, on May 1, 2016, diesel-fired DG sources must be in compliance with one of the following requirements regarding particulate emissions:

- a. must be equipped with a pollution control device designed to remove 85 percent or more of the PM in the exhaust stream; or
- b. must be in compliance with a particulate emission limit of 0.30 g/bhp-h.

By April 30, 2016, owners and operators of DG sources subject to an emission limit(s) must conduct an initial emissions test to demonstrate compliance with the emission limits set forth in Part 222. Additional testing must be conducted at a frequency of once every 10 years. Also, the rule requires owners and operators of DG sources to notify the Department 60 days prior to testing and submit a copy of the test report to the Department within 60 days following the test. Records of the emission tests must be maintained, and made available to the Department.

Emission testing for PM is not required for engines equipped with pollution control devices verified by CARB as meeting the Level 3 or Level 3 Plus classification per the California Code of Regulations, Title 13, Sections 2700-2711.

Within one year of the effective date of the rule or within 12 months of commencing operation of a DG source subject to the rule, whichever is later, the owner and operator of the source must conduct an initial tune-up of the source. Additionally, the DG source must be tuned-up at least once every 12 months. Records of annual tune-ups must be maintained at the facility for a period of five years.

'Professional Services'

The services of an engineering consultant may be required in order to complete a permit application. A stack testing company will be required to conduct the emissions testing required in 222.6. The services of a certified technician may be required to conduct the annual tune-up required in Section 222.4.

COSTS

Post-combustion control systems may be required in order to meet the emission limits set forth in Part 222. Selective catalytic reduction (SCR) systems may be required in order for diesel-fired engines and lean-burn natural gas-fired engines to meet the appropriate NO_x emission limit. In addition, diesel-fired engines may need to be equipped with filtering systems in order to meet the PM standard. Non-selective catalytic reduction (NSCR) systems may be required in order for rich-burn natural gas-fired engines to meet the NO_x emission limit. The costs for post-combustion control systems are presented in the following sections for 1200 hp and 2000 hp engines. As a point of comparison, replacement costs for new 1200 hp or 2000 hp engines that meet the NSPS requirements range from \$525,000 to \$1,000,000.^{1, 2}

Selective catalytic reduction (SCR) systems can reduce the NO_x emissions from lean-burn natural gas fired-engines and diesel-fired engines by up to 90 percent.³ The capital cost (installed) of SCR control systems are presented in Table 1.

Table 1: Capital Costs for SCR Systems

Cost Component	1200 hp Engine	2000 hp Engine
SCR System ⁴	\$103,000	\$171,700
Installation	\$61,800	\$103,000
Taxes	\$8,300	\$13,800
Testing ⁵	\$15,000	\$15,000
Total Cost	\$188,100	\$303,500

Operational costs vary depending upon several factors. The primary driver is the reagent (urea) cost. The other operational factors the Department considered in developing cost estimates for SCR systems were insurance, maintenance and labor costs.

The Department evaluated the costs for operating SCR systems under a wide range of scenarios over a 10-year period. Control costs of \$5,000 per ton of NO_x reduced are considered reasonable under Subpart 227-2. For pre-NSPS engines, the cost per ton of NO_x reduced would be less than \$5,000 for sources operating 1,500 hours per year or more. For post-NSPS engines, the \$5,000 per ton threshold would be met when operating 3,000 hours per year or more. Therefore, in the opinion of the Department, the costs to operate SCR systems are reasonable.

Non-Selective Catalytic Reduction (NSCR) Systems

Non-selective catalytic reduction (NSCR) systems can reduce the NO_x emissions from rich-burn natural gas fired-engines engines by up to 98 percent.⁶ The capital cost (installed) of NSCR control systems are presented in Table 2.

Table 2: Capital Costs for NSCR Systems

Cost Component	1200 hp Engine	2000 hp Engine
SCR System	\$26,700	\$44,400
Installation	\$16,000	\$26,700
Taxes	\$2,100	\$3,500
Testing ⁷	\$8,000	\$8,000
Total Cost	\$52,800	\$82,600

NSCR catalysts need to be replaced every five years.⁸ Replacement catalyst is estimated to cost 7 percent of the original NSCR system cost. In the cost analyses conducted by the Department, the cost of installing the replacement catalyst was assumed to be 60 percent of the cost of the new catalyst. Annual costs for operating NSCR include insurance, maintenance and labor. The cost per ton of NO_x reduced is less than \$5,000 when operating more than 200 hours per year.

'Particulate Matter (PM) Emissions'

Particulate control equipment (e.g. - particulate traps or oxidation catalysts) may be required in order for some sources to comply with the particulate emission standard. The costs for particulate control equipment are approximately \$55 per KW installed (\$49,200 - \$82,000 for the engine sizes discussed in this section).⁹

'Compliance Testing'

The emission testing costs are estimated to be \$8,000 (NO_x only) to \$15,000 (NO_x and PM) per source¹⁰. Emission testing for PM is not required for engines equipped with pollution control devices verified by the California Air Resources Board as meeting the Level 3 or Level 3 Plus Classification per the California Code of Regulations, Title 13, Sections 2700 through 2711.

MINIMIZING ADVERSE IMPACT

The Department considered the practical impacts of the proposed rule on rural facilities, such as small farms. As of April 2010, there were an estimated 151 farms in 31 states¹¹ (including New York) generating electricity via biogas-fired DG sources.

Livestock farms use animal waste digesters as a means of odor control. One of the by-products of these systems is biogas (fuel gas containing methane and other compounds) that can be used to fire DG sources. Biogas contains impurities which erode engine gaskets and other components which reduces the useful life of an engine. Biogas-fired engines need to be replaced more often than engines fired with fossil fuels. These impurities can also damage post-combustion control systems which in turn can lead to damage to the DG source. Biogas-fired DG sources will not be subject to Part 222. New biogas-fired sources are subject to 40 CFR 60 Subpart JJJJ.

RURAL AREA PARTICIPATION

The proposed rulemaking is the result of a stakeholder process initiated by the Department in 2001. Stakeholder Meetings were held on November 13, 2001, December 12, 2002, April 8, 2003, May 17, 2004, June 29, 2006 and June 25, 2013. In addition, drafts of Part 222 were circulated electronically to stakeholders in May 2004, January 2005, June 2006 and May 2013. More than 175 stakeholders have been involved in the process of developing Part 222 and anyone who requested to be added to the list of stakeholders was added. The meeting of April 8, 2003 was advertised in the Department's Environmental Notice Bulletin.

The participants in the stakeholder process represented a wide range of interests. These groups include law firms, consultants and trade organizations, manufacturers, and government agencies. In addition, Department staff met with individual or small groups of stakeholders (such as the New York Farm Bureau) on several occasions.

¹ E-mail from Joe Suchecki (Truck & Engine Manufacturers Association) to John Barnes (DEC) dated November 8, 2013.

² Replacement costs as well as the costs for pollution control systems could be higher than the costs presented in this section in cases where there are space limitations or building or fire code requirements that must be met.

³ "NO_x Control for Stationary Gas Engines", Wilson Chu (Johnson-Matthey), Advances in Air Pollution Control Technology, MARAMA Workshop, May 19, 2011.

⁴ Sources: CARB 2010. Regulatory Analysis for Revisions to Stationary Diesel Engine Air Toxic Control Measure. Appendix B. Analysis of Technical Feasibility and Costs of After-treatment Controls on Emergency Diesel Engines; and (2) Producer Price Index, U.S. Department of Labor, Bureau of Labor Statistics.

⁵ Testing costs include NO_x and PM tests (diesel engines). For natural gas-fired engines, the estimated cost is \$8,000 for NO_x tests only.

⁶ "NO_x Control for Stationary Gas Engines", Wilson Chu (Johnson-Matthey), Advances in Air Pollution Control Technology, MARAMA Workshop, May 19, 2011.

⁷ Emissions tests for NO_x only since the PM standard does not apply to natural gas engines.

⁸ E-mail from Wilson Chu (Johnson Matthey) to John Barnes (DEC) dated January 24, 2008.

⁹ Sources: CARB 2010. Regulatory Analysis for Revisions to Stationary Diesel Engine Air Toxic Control Measure. Appendix B. Analysis of Technical Feasibility and Costs of After-treatment Controls on Emergency Diesel Engines; and (2) Producer Price Index, U.S. Department of Labor, Bureau of Labor Statistics.

¹⁰ Stack testing costs are based upon an informal Department survey of several stack testing companies.

¹¹ http://bradpennsgeo.com/wp-content/uploads/2012/07/BRADPENN__ANAEROBIC__DIGESTION__PAPER__SEPT__10.pdf

Job Impact Statement

Distributed generation (DG) sources are engines used by a host site to supply electricity outside that which is supplied by the electric grid and used either in non-emergency situations to reduce demand on the electric grid and preserving the overall reliability of the grid, or when the usual supply of power becomes unavailable. There may be more than 15,000

DG sources in the state, many of which are not currently regulated. DG sources produce air pollution, including nitrogen oxides (NO_x), a precursor to ground-level ozone, and particulate matter (PM) – both of which have been linked to adverse public health impacts. The increasing use of uncontrolled DG sources, if left unchecked, will exacerbate public health impacts and make it very difficult for New York to meet its obligations under the Clean Air Act (CAA) to attain the 2008 8-hour ozone National Ambient Air Quality Standard (NAAQS).

Therefore, the Department of Environmental Conservation (Department) is proposing to adopt a new regulation, 6 NYCRR Part 222, 'Distributed Generation Sources', and make conforming revisions to Part 200, 'General Provisions' and Subpart 227-2, 'Reasonably Available Control Technology (RACT) for Oxides of Nitrogen (NO_x)' to establish emission standards, monitoring requirements and record keeping requirements for certain DG sources in New York State. The proposed rule will apply generally to DG sources which are not currently regulated under Subpart 227-2 or subject to a federal New Source Performance Standard (NSPS), as long as the federal standards are less than or equal to the Part 222 emission limits.

I. NATURE OF IMPACT

Part 222 may impact jobs and employment opportunities at a wide range of businesses in New York State. Discussion of the potential impacts are presented in the following subsections.

A. Facilities with Existing DG Sources

Northeast States for Coordinated Air Use Management (NESCAUM) released a study in 2003 indicating there may be as many as 15,000 diesel generators in New York State.¹ Most of these sources are believed to be emergency generators which are currently exempt from permitting requirements. Though owners and operators of emergency generators will be subject to annual tune-up and record keeping requirements under the proposed rule, the Department presumes that these activities are already being conducted as part of the facility's standard business practices. Therefore, the Department does not anticipate any additional compliance costs or negative impacts on jobs or employment opportunities in cases where a facility exclusively uses DG sources as emergency generators.

DG sources not used exclusively for emergencies will be subject to the proposed NO_x emission limits. Diesel-fired sources will be required to comply with either a PM emission limit or a pollution control device standard. Owners or operators of DG sources that meet the proposed emission limits without post-combustion controls will have minimal compliance costs. For example, stack testing is estimated at \$15,000 per source at a frequency of once every 10 years. In such cases, the proposed rule should have no negative impacts on jobs or employment opportunities.

However, in cases where DG sources are required to use pollution control systems to meet the proposed emission limits, the rule may negatively impact jobs or employment opportunities depending upon the compliance strategy utilized. In some cases, the capital and operational costs for pollution control systems may impact jobs or employment opportunities directly. Owners or operators of existing DG sources that do not meet the emission standards may choose to replace existing DG sources with new DG sources. In cases where the owners or operators of existing DG sources are planning to replace units near or past their useful life, regardless of proposed Part 222, the negative impacts to jobs or employment opportunities would be minimal. Replacement of units not near the end of their useful life could constitute a previously unplanned cost that may have an impact on jobs and employment opportunities. Existing DG sources that cannot meet the emission standards, but could be used as emergency generators, are expected to have minimal impacts on jobs and employment opportunities.

B. Impacts to Energy Services Companies

Energy services companies (ESCOs) enroll facilities into demand response (DR) programs sponsored by the New York Independent System Operator (NYISO) and transmission operators. ESCOs' demand response portfolios include curtailment, load shifting, energy efficiency and DG resources. Most DG resources in these portfolios are uncontrolled, diesel-fired engines that will be subject to the NO_x and PM emission standards proposed in Part 222. These standards will take effect on May 1, 2016. The Department anticipates that owners and operators of DR sources that cannot, or choose not to, meet the emission standards would be dropped from ESCOs' DR portfolios, resulting in a reduction in income for both the ESCO and the source owner or operator.² DG resources comprised 13 percent of the resources enrolled in the NYISO's Emergency Demand Response Program and Special Case Resources Program (combined) as of May 2011.³ Therefore, it is expected that the provisions of Part 222 will minimally impact employment opportunities with ESCOs.

C. Impacts to Professional Services Companies and Vendors of Pollution Control Systems

DG sources that commenced operation prior to the effective date of Part 222 may need to be equipped with pollution control systems in order to meet the emission standards set forth in the rule. Stack testing will be

required to demonstrate compliance with Part 222 emission standards. Therefore, employment opportunities with consultants and vendors specializing in design and installation of pollution control equipment and stack testing are expected to increase as a result of the adoption of Part 222.

D. Impacts to the NYSDEC

There will be an additional work load for the Department to implement Part 222, including preparing new and modified air permits, reviewing stack test reports and creating compliance reports in the Air Facility System database. It is estimated that it will take one staff-year to initiate the program to implement Part 222 and five staff-years annually to implement Part 222. The Department does not anticipate hiring additional staff to implement Part 222.

II. CATEGORIES AND NUMBERS OF JOBS OR EMPLOYMENT OPPORTUNITIES AFFECTED

Distributed generation can be used at a wide range of facilities including, but not limited to, hospitals, financial institutions, colleges, shopping centers, farms, apartment complexes and office buildings. It is estimated that as many as 26,000 sites in New York could potentially use a combined heat and power (CHP) application.⁴ Although not all of those sites will use CHP applications, this estimate provides insight as to the number of sites where DG applications might be used.

The adoption of Part 222 may lead to increased employment opportunities with professional services companies that provide environmental monitoring and compliance services (such as stack testing) as well as for vendors who sell and install pollution control systems.

III. REGIONS OF ADVERSE IMPACT

It is anticipated that most of the facilities subject to the proposed rule will be located in the New York City metropolitan area where the cost of electricity is higher than the rest of the state. Facilities located in upstate areas, such as shopping centers, colleges and hospitals, may also be affected by the proposed rule.

IV. MINIMIZING ADVERSE IMPACT

There are three alternate compliance options in proposed Part 222 available to facilities with existing DG sources which are subject to emission standards. Affected facilities will have greater flexibility to control their compliance costs than would occur if only one compliance option was included in the rule.

NO_x emission limits for new DG sources were considered but are not included in the proposed rule. Emission limits stricter than those set forth in the EPA's New Source Performance Standard (NSPS)⁵ rules which would have been specific to New York and would have been a deterrent to investing in DG applications, especially in cases where post-combustion controls would be required to meet DEC's standards but not EPA's standards. Therefore, by not adopting stricter standards than those set forth in the NSPS rules, Part 222 will not adversely impact employment opportunities at facilities investing in new DG applications.

Livestock farms use animal waste digesters as a means of odor control. One of the by-products of these systems is biogas (fuel gas containing methane and other compounds) that can be used to fire DG sources. As of April 2010, there were an estimated 151 farms in 31 states⁶ (including New York) generating electricity via biogas-fired DG sources. Biogas contains impurities which erode engine gaskets and other components which reduce the useful life of an engine. Since biogas-fired engines need to be replaced more often than engines fired with fossil fuels, the Department has determined that these engines do not need to be subject to Part 222. Replacement biogas-fired engines will be subject to 40 CFR 60 Subpart JJJJ.

V. SELF-EMPLOYMENT OPPORTUNITIES

The adoption of Part 222 is not expected to result in negative impacts to self-employment opportunities.

¹ "Stationary Diesel Engines in the Northeast: An Initial Assessment of the Regional Population, Control Technology Options and Air Quality Policy Issues", NESCAUM, June 2003, pg. 26.

² Demand response revenue is not the primary source of income for DR source owners or operators.

³ "Semi-Annual Compliance Report on Demand Response Programs", NYISO, June 1, 2011.

⁴ "NYSERDA's CHP Program: Moving the Market Forward", Dana Levy and Brian Platt. Presentation at the NYSDPS CHP Technical Conference, May 13, 2013.

⁵ The NSPS rules applicable to DG sources are: 40 CFR 60 Subparts IIII, JJJJ, and KKKK.

⁶ http://bradpennsgeo.com/wp-content/uploads/2012/07/BRADPENN__ANAEROBIC__DIGESTION__PAPER__SEPT__10.pdf

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Big Bore Air Rifles

I.D. No. ENV-51-15-00005-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Amendment of section 180.3 of Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 11-0303 and 11-0901

Subject: Big bore air rifles.

Purpose: To allow big bore air rifles as legal implements for hunting big game.

Text of proposed rule: Repeal existing 6 NYCRR section 180.3 and adopt new 6 NYCRR section 180.3 to read as follows:

180.3 Definition and use of firearm, gun, airgun, and big bore air rifle
For the purposes of the Fish and Wildlife Law and this Title:

(a) *The terms firearm or gun shall mean any rifle, pistol, shotgun or muzzleloading firearm which by force of gunpowder, or an airgun as defined in subdivision (b) of this section or a big bore air rifle as defined in subdivision (c) of this section, that expels a missile or projectile capable of killing, wounding or otherwise inflicting physical damage upon fish, wildlife or other animals.*

(b) *The term airgun shall mean any implement which by the force of a spring, air or other non-ignited compressed gas expels a projectile 0.17 caliber (17/100 of an inch in diameter) or larger, having a rifled or smooth barrel, producing projectile velocities of not less than 600 feet per second. For the purposes of the Fish and Wildlife Law, an implement meeting the above specifications shall be considered a firearm or gun, and may be used to take wildlife that may legally be taken with a rimfire rifle.*

(c) *The term big bore air rifle shall mean any implement which by the force of a spring, air or other non-ignited compressed gas expels a projectile and has a rifled barrel, using ammunition 0.30 caliber (30/100 of an inch in diameter) or larger, producing projectile velocities of not less than 650 feet per second. For the purposes of the Fish and Wildlife Law, an implement meeting the above specifications shall be considered a firearm or gun, and may be used to take big game or wildlife that may legally be taken with a rimfire rifle.*

(d) *The term taken down shall mean:*

(1) *separating the action from the barrel of a long gun which is designed to be dismantled without the use of tools; and*

(2) *rendering inoperable a long gun which is not designed to be dismantled without tools, so as to require tools to restore such long gun to an operable condition. A bolt action firearm with the bolt removed shall not be considered "taken down" unless it is otherwise dismantled as provided in this subdivision.*

(e) *Pistol means a firearm intended to be aimed and fired with one hand, and having a barrel length not exceeding 16 inches.*

Text of proposed rule and any required statements and analyses may be obtained from: Joe Racette, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-4754, (518) 402-8933, email: wildliferegs@dec.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 45 days after publication of this notice.

Additional matter required by statute: A programmatic environmental impact statement is on file with the Department of Environmental Conservation.

This rule was not under consideration at the time this agency submitted its Regulatory Agenda for publication in the Register.

Regulatory Impact Statement

1. Statutory authority:

Section 11-0303 of the Environmental Conservation Law (ECL) directs the Department of Environmental Conservation (department) to develop and carry out programs that will maintain desirable species in ecological balance, and to observe sound management practices. This directive is to be met with regard to: ecological factors, the compatibility of production and harvest of wildlife with other land uses, the importance of wildlife for recreational purposes, public safety, and protection of private premises. Environmental Conservation Law 11-0303 grants the department authority to efficiently manage fish and wildlife resources of the State.

2. Legislative objectives:

The legislative objectives behind the statutory provisions listed above are to authorize the department to establish, by regulation, certain basic

wildlife management tools, including hunting. Periodically, the department adjusts its hunting regulations in response to changes in hunting technology. By doing so, wildlife management tools are kept up to date.

3. Needs and benefits:

The department proposes to allow the use of air powered firearms or guns for use in hunting big game. The popularity of these firearms is growing, largely because of technological advancements. These modern firearms are sophisticated and efficient at harvesting big game species.

Environmental Conservation Law section 11-0901 states that small game may only be taken with a longbow or gun. However, a "gun" is not defined in the ECL or in 6 NYCRR section 180.3 ("Definition of Firearms") so hunters do not have clear legal guidance allowing the use of air-powered firearms. The department proposes adding language to 6 NYCRR section 180.3 to allow the use of air-powered firearms for hunting big game by defining the term "big bore air rifle." The Department previously (2010) amended this regulation to clearly allow the use of air-powered firearms for hunting small game.

Air-powered firearms are powered in one of three ways: (1) CO2 cartridges; (2) spring or lever-action to compress air in an internal cylinder; (3) a pneumatic pump to compress air in an internal cylinder. Air-powered firearms designed for big game ("big bore air rifles") are available commercially, and they fire bullets that are 0.30 inches (0.30 caliber) or larger in diameter at sufficient velocities to safely and efficiently harvest big game at ranges of about 100 yards or less. The Department proposes a clear definition of "big bore air rifle" that must produce projectile velocities of not less than 650 feet per second, and fire projectiles that are no smaller than 0.30 inches (0.30 caliber) in diameter. This technical requirement will ensure that big bore air rifles have adequate downrange energy to effectively harvest New York big game species at commonly encountered ranges (100 yards and less).

Because big bore air rifles are not as loud as a conventional rifle or shotgun, it is possible that allowing their use may make it more acceptable to use them in locations with higher human densities than New York's rural countryside. Since a big bore air rifle is about as loud as a 0.22 caliber rimfire, it could enhance the ability of hunters to take deer where they are overabundant. By defining and allowing the use of big bore air rifles for hunting big game, New York hunters will have a modest increase in hunting opportunity. Also, with the growth in popularity of these firearms reflected in increased production by manufacturers, there could also be a modest increase in economic activity associated with this proposed change in New York's hunting regulations.

4. Costs:

None, beyond normal administrative costs.

5. Local government mandates:

There are no local governmental mandates associated with this proposed regulation.

6. Paperwork:

No additional paperwork is associated with this proposed regulation.

7. Duplication:

There are no other regulations similar to this proposal.

8. Alternatives:

The only alternative considered was the "no action" alternative. However, the Department decided that an expansion of the use of air-powered firearms would provide a modest amount of additional opportunity for big game hunters.

9. Federal standards:

There are no federal standards pertaining to the use of air-powered firearms.

10. Compliance schedule:

Hunters will be able to comply with this regulation upon adoption during the 2015-2016 hunting season.

Regulatory Flexibility Analysis

The proposed regulation has no effect on small businesses or local governments. It simply clarifies that air-powered firearms or guns may be used for big game hunting pursuant to Environmental Conservation Law section 11-0901. Therefore, the Department of Environmental Conservation has determined that a Regulatory Flexibility Analysis for Small Businesses and Local Governments is not needed.

Rural Area Flexibility Analysis

The proposed regulation has no effect on rural areas. It simply clarifies that air-powered firearms or guns may be used for big game hunting pursuant to Environmental Conservation Law section 11-0901. Therefore, the Department of Environmental Conservation has determined that a Rural Area Flexibility Analysis is not needed.

Job Impact Statement

The proposed regulation does not affect jobs. It simply clarifies that air-powered firearms or guns may be used for big game hunting pursuant to Environmental Conservation Law section 11-0901. Therefore, the Depart-

ment of Environmental Conservation has determined that a Job Impact Statement is not needed.

Department of Health

NOTICE OF ADOPTION

Personal Care Services Program (PCSP) and Consumer Directed Personal Assistance Program (CDPAP)

I.D. No. HLT-36-14-00012-A

Filing No. 1028

Filing Date: 2015-12-02

Effective Date: 2015-12-23

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Amendment of sections 505.14 and 505.28 of Title 18 NYCRR.

Statutory authority: Public Health Law, section 201(1)(v); and Social Services Law, sections 363-a(2), 365-a(2)(e) and 365-f

Subject: Personal Care Services Program (PCSP) and Consumer Directed Personal Assistance Program (CDPAP).

Purpose: To establish definitions, criteria and requirements associated with the provision of continuous PC and continuous CDPAP services.

Substance of final rule: The proposed regulations conform the Department's personal care services regulations at 18 NYCRR § 505.14 to State law [Social Services Law ("SSL") § 365-a(2)(e)(iv)], which caps social services districts' authorizations for nutritional and environmental support functions, commonly referred to as housekeeping or Level I functions, to no more than eight hours per week for those Medical Assistance ("Medicaid") recipients who need only that level of care. The proposed regulations also revise the criteria for social services districts' authorizations of continuous personal care services (i.e. "split-shift" services) and live-in 24-hour personal care services consistent with the preliminary injunction decision in *Struchler v. Shah*, 891 F.Supp. 2d 504 (S.D.N.Y. 2012).

In subdivision 505.14(a), which contains definitions and provisions relating to the scope of personal care services, the definitions of "some assistance," "total assistance," and "continuous 24-hour personal care services" are repealed. Definitions of "continuous personal care services" and "live-in 24-hour personal care services" are added. Also added is a provision that personal care services shall not be authorized to the extent that the patient's need for assistance can be met by voluntary assistance from informal caregivers, by formal services other than the Medicaid program, or by adaptive or specialized equipment or supplies that can be provided safely and cost-effectively.

With regard to nutritional and environmental support functions ("Level I" services), a provision is added limiting the authorization to no more than eight hours per week, consistent with SSL § 365-a(2)(e)(iv). The list of Level II personal care functions is amended by the addition of "turning and positioning."

In paragraph 505.14(b)(3), which specifies factors that the nursing assessment must include, the nursing assessment must include an evaluation whether adaptive or specialized equipment or supplies can meet the patient's need for assistance and whether such equipment or supplies can be provided safely and cost-effectively. The nursing assessment would no longer be required to include an evaluation of the degree of assistance required for each function or task, since the definitions of "some assistance" and "total assistance" are repealed.

In paragraph 505.14(b)(4), which specifies the circumstances under which the local professional director must conduct an independent medical review, such reviews would have to be conducted in cases involving live-in 24-hour personal care services as well as cases involving continuous personal care services. The nursing assessment in continuous personal care services and live-in 24-hour personal care services cases would have to document certain factors, such as whether the physician's order had documented a medical condition that causes the patient to need frequent assistance during a calendar day with toileting, walking, transferring, turning and positioning, or feeding.

The social assessment in live-in 24-hour personal care services cases would have to evaluate whether the patient's home has sleeping accommodations for a personal care aide. If not, the district must authorize continuous personal care services; however, should the patient's circumstances change and sleeping accommodations for a personal care aide

become available in the patient's home, the district must promptly review the case. If a reduction of the patient's continuous personal care services to live-in 24-hour personal care services is appropriate, the district must send the patient a timely and adequate notice of the proposed reduction.

In continuous personal care services and live-in 24-hour personal care services cases, the local professional director could consult with the patient's treating physician and conduct an additional assessment in the home. The final determination regarding the amount of care to be authorized would have to be made with reasonable promptness, generally not to exceed seven business days after receipt of required documentation.

In subparagraph 505.14(b)(5)(v), the provisions governing social services districts' notices to recipients for whom districts have determined to deny, reduce or discontinue personal care services are revised and reorganized.

The proposed regulations make conforming changes to the Department's regulations governing the consumer directed personal assistance program ("CDPAP"), which are at 18 NYCRR § 505.28.

In subdivision 505.28(b), which contains definitions relating to the CDPAP, the definitions of "continuous 24-hour consumer directed personal assistance" "some assistance" and "total assistance" are repealed. The definition of "consumer directed personal assistance" is amended to delete references to "some or total" assistance. Definitions of "continuous consumer directed personal assistance" and "live-in 24-hour consumer directed personal assistance" are added.

The definition of "personal care services" is amended to provide that, for individuals whose needs are limited to nutritional and environmental support functions (i.e. housekeeping tasks), personal care services shall not exceed eight hours per week.

In paragraph 505.28(d)(2), which specifies factors that the social assessment must include, the social assessment in continuous consumer directed personal assistance and live-in 24-hour consumer directed personal assistance cases must document that all alternative arrangements for meeting the individual's medical needs have been explored and are infeasible. The social assessment for live-in 24-hour cases must evaluate whether the consumer's home has sleeping accommodations for a consumer directed personal assistant. If not, the district must authorize continuous consumer directed personal assistance; however, if the consumer's circumstances change and sleeping accommodations for a consumer directed personal assistant become available in the consumer's home, the district must promptly review the case. If a reduction of the consumer's continuous services to live-in services is appropriate, the district must send the consumer a timely and adequate notice of the proposed reduction.

In paragraph 505.28(d)(3), which specifies factors that the nursing assessment must include, the nursing assessment in continuous consumer directed personal assistance cases and live-in 24-hour consumer directed personal assistance cases would have to document certain factors, such as whether the physician's order has documented a medical condition that causes the consumer to need frequent assistance during a calendar day with toileting, walking, transferring, turning and positioning, feeding, home health aide services, or skilled nursing tasks.

Paragraph 505.28(d)(5), which specifies requirements for the local professional director's review, is repealed and a new paragraph 505.28(d)(5) is added. Cases involving continuous consumer directed personal assistance and live-in 24-hour consumer directed personal assistance would have to be referred to the local professional director or designee for review and final determination of the amount of services to be authorized. The local professional director or designee would be required to consider information in the social and nursing assessments and may consult with the consumer's treating physician and conduct an additional assessment in the home. The final determination of the amount of care to be authorized must be made with reasonable promptness, generally not to exceed seven business days after receipt of all information.

Subdivision 505.28(e), which pertains to the authorization process, would be amended to provide that consumer directed personal assistance shall not be authorized to the extent that a consumer's need for assistance can be met by voluntary assistance from informal caregivers, by formal services other than the Medicaid program, or by adaptive or specialized equipment or supplies when such equipment or supplies can be provided safely and cost-effectively.

Paragraph 505.28(h)(5) would be amended to provide additional detail regarding the content of social services district notices when the district denies, reduces or discontinues consumer directed personal assistance.

Final rule as compared with last published rule: Nonsubstantive changes were made in sections 505.14(a)(2), (4), (b)(3), (4), 505.28(b)(4), (12), (d)(3) and (e)(1).

Revised rule making(s) were previously published in the State Register on September 16, 2015.

Text of rule and any required statements and analyses may be obtained from: Katherine Ceroalo, DOH, Bureau of House Counsel, Reg. Affairs Unit, Room 2438, ESP Tower Building, Albany, NY 12237, (518) 473-7488, email: regsqa@health.ny.gov

Revised Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Changes made to the last published rule do not necessitate revision to the previously published Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement.

Assessment of Public Comment

The Department received comments from the following: counsel for the plaintiff class in *Strouchler v. Shah* (Cardozo Bet Tzedek Legal Services, JASA/Legal Services for the Elderly in Queens, and New York Legal Assistance Group) and the law firm of Hinman Straub, on behalf of a managed care plan.

1. Comment: Both commentators asked that the Department clarify the extent to which 18 NYCRR §§ 505.14, personal care services, and 505.28, consumer directed personal assistance program ("CDPAP"), apply to services provided by Medicaid managed care organizations and Medicaid managed long term care plans.

Response: The Department has not revised the proposed regulations in response to the comments. The revisions the commentators suggest would require that substantive revisions be made to the proposed regulations, necessitating the filing of yet another notice of revised rule making for an additional minimum public comment period of 30 days. This would delay the final adoption of regulations necessary to comply with the stipulation of settlement in *Strouchler v. Shah*. The Department is nonetheless considering how best to address these comments, whether by a future notice of proposed rule making or by other means.

2. Comment: Counsel for the *Strouchler* class commented that the proposed regulations must require that a live-in 24-hour personal care aide be able to obtain a total of eight hours of sleep with at least one five hour period of uninterrupted sleep.

Response: Counsel had suggested similar revisions in their comments on the proposed regulations published on September 10, 2014. In response to those earlier comments, the Department revised the proposed definitions of continuous personal care services and live-in 24-hour personal care services. As discussed in the Assessment of Public Comment published on September 16, 2015, these proposed revisions clarify that a live-in 24-hour aide's "five hours daily of uninterrupted sleep" is within an eight hour period. This is consistent with State Department of Labor guidance, which requires that live-in aides have an eight hour sleep period and actually receive five hours of uninterrupted sleep. In view of the renewed comment on this point, however, the Department has revised the proposed regulations once again to clarify that this five hour period of uninterrupted sleep is during the aide's eight hour period of sleep. Similar revisions were made to Section 505.28 governing the CDPAP.

3. Comment: Counsel for the *Strouchler* class commented that the purpose of the requirement to consider whether the Medicaid recipient could be "safely left alone without care for a period of one or more hours in a calendar day" should be clarified to avoid improper denials of services. They commented that such a provision, without some clarification of the legitimate regulatory purpose, could be used to deny care to individuals with dementia who have a documented need for live-in home care services.

Response: Counsel offered similar comments in response to the proposed regulations published on September 10, 2014. At that time, the Department declined to revise the proposed regulations in response to the comment. In its Assessment of Public Comment published on September 16, 2015, the Department noted that this provision, although relocated in the proposed regulations, was not new. The Department's regulations had long provided that, when the individual providing personal care services is living in the home of the patient, the social services district must determine whether or not, based on the social and nursing assessments, the patient can be safely left alone without care for a period of one or more hours per day.

In considering the renewed public comments, however, the Department determined that this provision should be deleted. It is an anachronism, a remnant of a past practice, no longer followed, under which social services districts negotiated reimbursement rates for personal care services, including determining the number of hours of services for which a live-in aide would be paid. The Department of Labor, not social services districts, now determines the number of hours for which live-in aides must be paid. Accordingly, the revised regulations would repeal this provision as obsolete.

4. Comment: Counsel for the *Strouchler* class commented that the regulations must clarify that only voluntary assistance from informal caregivers may be considered and that informal caregivers cannot be compelled to assist with activities of daily living or similar tasks.

Response: The Department has not revised the proposed regulations in response to the comments. The proposed regulations address this concern, providing in no fewer than six provisions that the assistance of informal caregivers, such as family members and friends, must be voluntary. Specifically, the following provisions of the proposed personal care ser-

vices regulations require that the assistance of informal caregivers be voluntary: Sections 505.14(a)(3)(iii)(a)(1), 505.14(a)(3)(iii)(b), and 505.14(b)(4)(i)(c)(1). Similarly, the following provisions of the proposed CDPAP regulations require the same: Sections 505.28(d)(2)(iv), 505.28(e)(1)(ii)(a), and 505.28(e)(1)(iii). No further regulatory recitations of this requirement are needed.

NOTICE OF ADOPTION

Patient Access of Laboratory Test Results

I.D. No. HLT-24-15-00006-A

Filing No. 1032

Filing Date: 2015-12-07

Effective Date: 2015-12-23

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Amendment of Parts 34 and 58 of Title 10 NYCRR.

Statutory authority: Public Health Law, section 576 and 587

Subject: Patient Access of Laboratory Test Results.

Purpose: To give patients a right to access medical records directly from clinical, including completed lab. test reports.

Text or summary was published in the June 17, 2015 issue of the Register, I.D. No. HLT-24-15-00006-P.

Final rule as compared with last published rule: No changes.

Text of rule and any required statements and analyses may be obtained from: Katherine Ceroalo, DOH, Bureau of House Counsel, Reg. Affairs Unit, Room 2438, ESP Tower Building, Albany, NY 12237, (518) 473-7488, email: regsqna@health.ny.gov

Assessment of Public Comment

Comment:

One comment generally supported the right of patients to access patient information but also expressed reservations about clinical laboratory test results being immediately available to patients prior to being seen or signed off by the ordering physician. The commenter thought this could be detrimental when the testing was for difficult or life-threatening diagnoses. The commenter asks that wording be included in the regulation to allow the physician who ordered the testing the opportunity to review the results prior to the patient having access to them. This would give the doctor the ability to speak to the patient and clarify what the test results mean before the patient sees the report.

Response:

The Federal Department of Health and Human Services (HHS) addressed this concern in responses to public comments received on the newly adopted federal rule. HHS emphasized that the rule does not alter the role of the ordering or treating provider in reporting and explaining test results to patients. HHS expects that patients will continue to obtain test results and advice about what those test results mean through their ordering or treating providers.

HHS also noted that under 45 CFR § 164.524(b)(2)(i), laboratories are not required to provide individuals with access to their laboratory test reports immediately; laboratories can wait up to 30 days. HHS believes 30 days is generally sufficient to allow the ordering or treating provider to receive the test report in advance of the patient's receipt of the report, and to communicate the result to the patient, and counsel the patient as necessary with regard to the result. HHS emphasized that laboratories will not be responsible for providing interpretations of laboratory test results to patients.

Comment:

A comment requested information regarding how the proposed rule would be implemented given the requirements in PHL § 2781(5) for persons ordering HIV related tests to communicate test results to the subject of the test.

Response:

This regulation will have no effect on such requirements. Persons ordering HIV related tests will continue to be required to comply with PHL § 2781(5) in exactly the same manner.

Comment:

Some commenters requested that language be removed from 10 NYCRR § 34-2.11 that requires a clinical laboratory to direct patient inquiries regarding the meaning or interpretation of the test results to the referring health services purveyor, because this language prohibits a clinical laboratory pathologist from conferring with a patient on the interpretation of laboratory/pathology test results.

Response:

Removal of the language in 10 NYCRR § 34-2.11 is not consistent

with the Department's goal of aligning its regulations with the federal requirements. Additionally, the requirement that a clinical laboratory direct patient inquiries regarding the meaning or interpretation of the test results to the referring health services purveyor applies to all clinical laboratory directors, including those individuals who are not pathologists. The Department of Health is planning on meeting with stakeholder groups to obtain additional feedback on conferrals between pathologists and patients.

Comment:

One comment generally supported the right of patients to access patient information but requested that language be removed from 10 NYCRR § 34-2.11 that requires a clinical laboratory to advise a patient that test results have already been, or are simultaneously being, communicated to the referring health services purveyor. The commenter stated that the current regulations would require a clinical lab to make customized statements on their reports for NYS patients indicating that that the provider has, or is receiving, results. This additional language on reports issued to NYS patients would be administratively burdensome and costly due to the need for additional programming of their reporting systems. They also stated that these requirements are of no therapeutic benefit to the patient.

Response:

The Department does not believe it is necessary to change the regulation as it does not specifically require that a statement be made on a patient report.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

General Provisions Concerning State Aid Eligibility

I.D. No. HLT-51-15-00001-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: This is a consensus rule making to amend section 40-2.1 of Title 18 NYCRR.

Statutory authority: Public Health Law, section 619

Subject: General Provisions Concerning State Aid Eligibility.

Purpose: To clarify that rent and maintenance of space in lieu of rent (MILOR) remain eligible for State Aid.

Text of proposed rule: Section 40-2.1 is amended by adding a new subdivision (c), as follows:

(c) *The following costs related to the facility space used by the local health department are eligible for State Aid:*

(1) *Rent paid to a person, a private entity, or a public entity other than the municipality that operates the local health department.*

(2) *For space owned by the municipality that operates the local health department, the cost of maintenance of space in lieu of rent (MILOR).*

Text of proposed rule and any required statements and analyses may be obtained from: Katherine Ceroalo, DOH, Bureau of House Counsel, Reg. Affairs Unit, Room 2438, ESP Tower Building, Albany, NY 12237, (518) 473-7488, email: regsqna@health.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 45 days after publication of this notice.

This rule was not under consideration at the time this agency submitted its Regulatory Agenda for publication in the Register.

Consensus Rule Making Determination

Statutory Authority:

The Commissioner of Health is authorized by Section 619 of the Public Health Law (PHL) to promulgate rules and regulations to effectuate the provisions and purposes of the State Aid program.

Basis:

The proposed amendment to Subpart 40-2 will clarify that rent and maintenance of space in lieu of rent (MILOR) remain eligible for State Aid.

The former 10 NYCRR 40-1.52 (g) and (h) explicitly provided that rent and MILOR were eligible for State Aid. However, the substance of these former provisions was inadvertently omitted when the Department repealed Subpart 40-2 and issued completely revised State Aid regulations, effective December 31, 2014. It was the Department's intent that rent and MILOR remain eligible for State Aid under the revised regulations.

Several local health departments have requested reinstatement of the former provisions. Accordingly, the Department does not anticipate any objection to this clarifying amendment.

Job Impact Statement

No job impact statement is required pursuant to section 201-a(2)(a) of the State Administrative Procedures Act. It is apparent, from the nature of the

proposed amendment, that it will not have a substantial adverse impact on jobs and employment opportunities.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Children's Camps

I.D. No. HLT-51-15-00008-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Amendment of Subpart 7-2 of Title 10 NYCRR.

Statutory authority: Public Health Law, section 225

Subject: Children's Camps.

Purpose: To include camps for children with developmental disabilities as a type of facility within the oversight of the Justice Center.

Substance of proposed rule (Full text is posted at the following State website: www.health.ny.gov): The following summarizes the proposed regulations pertaining to children with disabilities attending a children's camp.

Pursuant to the proposed amendments, the following requirements, which previously pertained only to camps with 20 percent or more campers with a developmental disability, will now apply to any camp enrolling campers with a disability, beginning October 1, 2016:

- For campers who cannot independently manipulate a wheelchair or adaptive equipment, camps must provide at least 1:2 supervision;
- Staff that have direct care responsibilities of campers with disabilities must receive training relevant to the specific needs of the campers in their charge;
- Camps must obtain and implement, as appropriate, care and treatment plans for campers with disabilities that have such plans as well as obtain other available information relevant to the care and specific needs of a camper with disabilities including pre-existing medical conditions, allergies, modified diets, and activity restrictions;
- During swimming activities, camps must provide one counselor for each camper who is non-ambulatory or has a disability that may result in an increased risk for an emergency in the water;
- For campers with developmental disabilities, camps must provide one counselor for every five campers during swimming activities;
- Camps must obtain parent/guardian's written permission to allow campers with developmentally disabilities to participate in swimming activities;
- Camps must develop procedures and training for handling seizures or aspiration of water by campers with developmental disabilities that may occur during swimming activities;
- All lavatories and showers used by campers with physical disabilities must be equipped with specialized features and grab bars;
- Lavatories and showers used by campers with a disability, who are unable to moderate water temperature safely, shall have a water temperature not greater than 110 degrees Fahrenheit;
- Buildings housing non-ambulatory campers shall have ramps to facilitate access.
- Non-ambulatory campers may not have housing above ground level; and
- Exterior paths must be constructed and maintained, as appropriate for the camp population served, to provide for safe travel during inclement weather.

The amendments also define a "Camp for Children with Developmental Disabilities." Such camps would be immediately required to adhere to the following additional requirements, pursuant to the legislation that established the Justice Center, in addition to immediately complying with the provisions above:

- Reportable incident is defined to include abuse, neglect and other significant incidents specified in section 488 of Social Services Law. Camp staff must report all reportable incidents to the Justice Center Vulnerable Persons' Central Registry and the permit-issuing official;
- A definition of a personal representative was added to be consistent with section 488 of Social Services Law;
- Prior to hiring camp staff, camps must verify that candidates are not on the Justice Center's staff exclusion list or on the Office of Children and Family Services State Central Registry of Child Abuse and Maltreatment;
- All camp staff must obtain mandated reporter training and review and acknowledge an understanding of the Justice Center's code of conduct;
- Camps must ensure that immediate protections are in place following an incident to prevent further risk or harm to campers;
- Camps must notify the victim, any potential witnesses, and each camper's personnel representative (as appropriate) that the camper may be interviewed as part an abuse or neglect investigation;

- Camps must cooperate fully with reportable incident investigations and provide/disclose all necessary information and access to conduct investigations;

- Reportable incident investigations procedures are established;
- Camps must promptly obtain an appropriate medical examination of a physically injured camper with a developmental disability;
- Unless a waiver is granted, camps must convene a Facility Incident Review Committee to review the camp's responses to a reportable incident including making recommendations for improvement, reviewing incident trends, and making recommendations to reduce reportable incidents;
- Camps must implement any corrective actions identified as the result of a reportable incident investigation.

Note that, for organizational reasons, these amendments repeal section 7-2.25 in its entirety, and replace it with a new section 7-2.25. Although reorganized, some provisions have been left substantially unchanged, including certain provisions relating to camp directors and health directors.

Text of proposed rule and any required statements and analyses may be obtained from: Katherine Ceroalo, DOH, Bureau of House Counsel, Reg. Affairs Unit, Room 2438, ESP Tower Building, Albany, NY 12237, (518) 473-7488, email: regsqa@health.state.ny.us

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 45 days after publication of this notice.

Summary of Regulatory Impact Statement

Statutory Authority:

The Public Health and Health Planning Council (PHHPC) is authorized by section 225(4) of the Public Health Law (PHL) to establish, amend and repeal sanitary regulations known as the State Sanitary Code (SSC), subject to the approval of the Commissioner of Health. Article 13-B of the PHL authorizes the PHHPC to prescribe standards and establish regulations for children's camps. PHL sections 225 and 201(1)(m) authorize SSC regulation of the sanitary aspects of businesses and activities affecting public health including children's camps.

Legislative Objectives:

In enacting Chapter 501 of the Laws of 2012, the Legislature established the New York State Justice Center for the Protection of People with Special Needs (Justice Center). This legislation amended Article 11 of Social Service Law to include children's camps for children with developmental disabilities, and it required the Department of Health to promulgate regulations pertaining to incident management.

Needs and Benefits:

The following requirements, which previously pertained only to camps with 20 percent or more campers with a developmental disability, will now apply to any camper with a disability, as of October 1, 2016:

- For campers who cannot independently manipulate a wheelchair or adaptive equipment, camps must provide at least 1:2 supervision;
- Staff providing direct care of campers with disabilities must be trained on the needs of the campers in their charge;
- Camps must obtain health information and existing care/treatment plans and implement adequate procedures to protect the safety and health of camper with disabilities;
- During swimming activities, camps must provide one counselor for each camper who is non-ambulatory or has a disability that might result in unusual emergencies in the water. For campers with developmental disabilities, camps must provide one counselor for every five campers and obtain parent/guardian's written permission to allow for swimming participation;
- Non-ambulatory campers cannot have housing above ground level;
- Provisions for adaptive equipment, ramps and accessible design are included for lavatories, showers, and buildings. A maximum water temperature is established lavatories and showers.

To implement Article 11, the Department of Health proposes these amendments to 10 NYCRR Subpart 7-2, relating to "Children's Camp for Children with Developmental Disabilities". The amendments define a Children's Camp for the Developmentally Disabled as a children's camp with camper enrollments of 20 percent or more campers with a developmental disability. In addition to immediately complying with the requirements above, the amended regulations would immediately require these camps to comply with the following:

- Reportable incidents are defined and required to be reported by camp staff to the Justice Center and permit-issuing official;
- Camps must implement immediate protections following an incident to prevent further risk or harm to campers;
- Camps must notify the victim, potential witnesses, and each camper's personnel representative that the camper may be interviewed as part of an abuse or neglect investigation;
- Camps must verify staff are not on the Justice Center's Staff Exclusion List (SEL) prior to hiring. After this verification, the operator must consult the Office of Children and Family Services (OFCS) State Central Registry of Child Abuse and Maltreatment (SCR);

- Camp staff must receive mandated reporter training and acknowledge an understanding of the Justice Center's code of conduct;
- Camps need to cooperate with investigations, including providing access and disclosing necessary information;
- Camps must convene a Facility Incident Review Committee to review the camp's response to a reportable incident and make recommendations to reduce reportable incidents.

Compliance Costs:

Cost to Regulated Parties:

Costs to Camps for Children with Developmental Disabilities:

Costs to regulated parties are difficult to estimate due to variation in staff salaries and time needed to investigate incidents. Reporting incidents should take less than half an hour; assisting with investigations will range from several hours to two staff days. The Department estimates that the total staff costs range from \$120 to \$1600 for each investigation. Expenses should be minimal statewide as less than 55 Camps for Children with Developmental Disabilities operate each year, with an average of six camps reporting a total of 18 incidents per year.

There will be minimal expense for determining if potential employees are on the SEL and SCR. An entry level staff person earning the minimum wage of \$8.75/hour should be able to compile the information for 100 employees within six to eight hours. OCFS requires a \$25.00 screening fee for new or prospective employees and no fee for volunteers.

Camps will be required to: disclose certain information to the Justice Center and to the permit issuing official charged with investigating reportable incidents; ensure immediate protections are in place for victims; and notify the victims and any witnesses that they may be interviewed as part of an investigation. Costs associated with these activities include staff time for locating information, contacting camper's parent/guardians and expenses for copying materials. The typical cost should be under \$100 per incident.

Costs associated with mandated reporting training are minimal as training materials will be provided to the camps and will take about one hour to review during routine staff training. The telephone number for the Justice Center reporting hotline must be conspicuously posted for campers and staff. Costs associated with posting is limited to making and posting copies in appropriate locations.

Camp operators must provide each camp staff member or volunteer with the code of conduct established by the Justice Center. The code must be provided at the time of initial employment and annually thereafter. The employee must acknowledge they received, read, and understand the code. The cost of providing the code, and obtaining and filing the required employee acknowledgment should be minimal. Staff should need less than 30 minutes to review the code.

Camps will be required to establish and maintain a facility incident review committee to review the camp's responses to reportable incidents. The cost to maintain a facility incident review committee is difficult to estimate due to the variations in salaries and the amount of time needed for the committee to meet. An incident review committee will be required to meet to fulfill its duties if any reportable incidents occur. Because most camps only operate during the summer season, it is expected that the incident review committee will meet no more than once a year. The cost is estimated to be \$450.00 dollars per meeting. The regulations provide opportunity for a camp to seek an exemption, which may be granted based on the duration of the camp season and other factors.

Camps are now required to obtain a medical examination of any camper physically injured during a reportable incident. Because a medical examination is an expected standard of care in response to such injuries, there will be no additional cost.

Costs to camps enrolling campers with a disability:

Certain regulations, which previously pertained only to camps with 20 percent or more campers with a developmental disability, will now apply to any camp that enrolls one or more campers with a disability. The cost to affected parties is difficult to estimate due to variation in salaries and the unknown number of campers with a disability attending camps.

Camps will be required to provide at least: 1:2 supervision for campers who cannot independently manipulate a wheelchair or other adaptive equipment; 1:1 supervision during swimming for each camper who is non-ambulatory or has a disability that may result in an increased risk of an emergency in the water; and 1:5 supervision for campers with a developmental disability during swimming. Entry level staff person earning the minimum wage of \$8.75/hour should be able to comply with the supervision requirements. The expense for camps will vary depending on the number of campers with these disabilities and the length of time the campers are in attendance.

Camps will be required to obtain and follow existing care/treatment plans and other available information relevant to the care of a camper with disabilities, such as pre-existing medical conditions, allergies, modified diets, and activity restrictions. Staff providing direct care of these campers must be trained on the specific needs of each camper. Costs to obtain exist-

ing health and care information are expected to be minimal, since camps currently collect health information. Costs to provide staff training will vary based on needs of individual campers, but are expected to be minimal as they currently provide staff training in other areas.

Camps will need to obtain parent or guardian's written permission to allow campers with developmental disabilities to participate in swimming activities. The cost of obtaining permission slips should be minimal, as it is limited to copying, distributing, and filing with other materials from parents/guardians.

Cost to State and Local Government:

State agencies and local governments operating camps will have the same costs described in the section entitled "Cost to Regulated Parties."

The regulation imposes requirements on local health departments (LHDs) for receiving incident reports, investigating incidents, and oversight of corrective actions. The total cost for these services is difficult to estimate because of the variation in the number of incidents and amount of time to investigate an incident. The cost to investigate an incident, including report completion, is estimated to range from \$400 to \$1600.

Cost to the Department of Health:

There will be costs associated with printing and distributing the amended Code. There will be minimal costs for printing and distributing training materials, as most information will be distributed electronically. LHDs will likely include copies of training materials in routine correspondence to camps.

Local Government Mandates:

Camps operated by local governments must comply with the requirements imposed on camps operated by other entities, as described in the section entitled "Cost to Regulated Parties." Local governments serving as permit issuing officials will face additional reporting and investigation requirements, as described in the section entitled "Cost to State and Local Government." The proposed amendments otherwise do not impose new responsibilities on local governments.

Paperwork:

The paperwork associated with the amendment includes the completion and submission of incident report forms to the LHD and Justice Center. Camps will be required to provide records necessary for LHD investigation of incidents, and to retain documentation regarding whether prospective employees were found on the SEL or SCR. Camps enrolling campers with a disability will be required to obtain health care related documents/information and permission slips for swimming and document in-service training for aquatic staff.

Duplication:

This regulation does not duplicate any existing federal, state, or local regulation.

Alternatives Considered:

The amendments to the code that relate to Camps for Children with Developmental Disabilities are mandated by law. No alternatives were considered for these requirements.

The Department considered not imposing additional requirements on camps that enroll less than 20% of campers with a disability; however, this option was rejected because the requirements are viewed as necessary to protect campers with disabilities attending camp.

The Department also considered imposing all of the requirements for Camps for Children with Developmental Disabilities on all children's camps with one or more qualifying campers; however, this option was rejected due to the burdensome costs associated with implementing the requirements. The State Camp Safety Advisory Council also expressed concern that applying the regulations to all camps enrolling a child with a developmental disability could be burdensome and have unintended consequences. The Department received correspondences from two State Senators, who expressed concern that expanding the regulations to all children's camps would have unintended financial consequences that could impact access.

Public comments were delivered by municipal organizations, children's camps and camp organizations, all of which argued in favor of keeping the 20 percent threshold. The Justice Center conveyed agreement with the Department's application of the additional requirements to camps serving a population of 20 percent or more children with developmental disabilities.

Federal Standards:

No current federal law governs the operation of children's camps.

Compliance Schedule:

The proposed amendments will be effective upon publication of the Notice of Adoption in the State Register. For Camps for Children with Developmental Disabilities, compliance with all requirements will be immediately required. For camps serving a population of less than 20 percent of children with developmental disabilities, the requirements pertaining to such camps will be effective October 1, 2016.

Regulatory Flexibility Analysis

Types and Estimated Number of Small Businesses and Local Governments:

There are approximately 2,510 regulated children's camps (533 overnight and 1,977 summer day camps) operating in New York State. Any such camp that enrolls a camper with a disability will be affected by the proposed rule. Municipalities (towns, villages, cities and school districts) operate approximately 295 summer day camps and no overnight camp. Most of the remaining camps are believed to be small businesses.

Of the estimated 49 Children's Camps for Children with Development Disabilities (21 overnight camps and 28 summer day camps) that will be affected by the proposed rule, approximately nine summer day camps and none of the overnight camps are operated by municipalities (towns, villages, and cities). Most of the remaining Children's Camps for Children with Development Disabilities are believed to be small businesses.

Regulated children's camps representing small business include those owned or operated by corporations, hotels, motels and bungalow colonies, non-profit organizations (e.g., Girl/Boy Scouts of America, Cooperative Extension, YMCA) and others. The proposed amendments would affect these camps if they enroll children with disabilities. None of the proposed amendments will apply solely to camps operated by small businesses or local governments.

Compliance Requirements:

Reporting and Recordkeeping:

The obligations imposed on small business and local government as camp operators are no different from those imposed on camps generally, as described in "Cost to Regulated Parties," "Local Government Mandates," and "Paperwork" sections of the Regulatory Impact Statement. The obligations imposed on local government as the permit issuing official is described in "Cost to State and Local Government" and "Local Government Mandates" portions of the Regulatory Impact Statement.

Other Affirmative Acts:

The obligations imposed on small business and local government as camp operators are no different from those imposed on camps generally, as described in "Cost to Regulated Parties," "Local Government Mandates," and "Paperwork" sections of the Regulatory Impact Statement.

Professional Services:

Camps for Children with Developmental Disabilities are now explicitly required to obtain an appropriate medical examination of a camper physically injured from a reportable incident; however, a medical examination has always been expected for such injuries, so this is not a new required service.

Compliance Costs:

Cost to Regulated Parties:

The obligations imposed on small business and local government as camp operators are no different from those imposed on camps generally, as described in "Cost to Regulated Parties" and "Paperwork" sections of the Regulatory Impact Statement.

Cost to Small Businesses and State and Local Government:

The obligations imposed on small business and local government as camp operators are no different from those imposed on camps generally, as described in the "Cost to Regulated Parties" and "Paperwork" section of the Regulatory Impact Statement. The obligations imposed on local government as the permit issuing official is described in "Cost to State and Local Government" and "Local Government Mandates" portions of the Regulatory Impact Statement.

Economic and Technological Feasibility:

There are no changes requiring the use of technology.

The proposal is believed to be economically feasible for impacted parties. The amendments impose additional reporting and investigation requirements that will use existing staff that already have similar job responsibilities. There are no requirements that that involve capital improvements.

Minimizing Adverse Economic Impact:

The amendments for Camps for Children with Developmental Disabilities are mandated by law. No alternatives were considered.

Amendments for camps that have less than 20 percent of the campers with developmental disabilities are believed to be what is minimally necessary to protect this vulnerable population. Requirements for camps serving a population of less than 20 percent of children with developmental disabilities will be effective October 1, 2016. This will allow camps to adequately prepare for and implement these requirements.

Small Business and Local Government Participation:

The regulations were discussed at several State Camp Safety Advisory Council meetings which are open to the public and attended by camp operators, local health department staff and other local government officials. However, due to the need to have regulations in place by the 2016 camping season with adequate time for camps to prepare for the new requirements, no formal outreach was conducted.

Rural Area Flexibility Analysis

Types and Estimated Number of Rural Areas:

There are approximately 2,510 regulated children's camps (533 overnight and 1,977 summer day camps) operating in New York State.

Any of these camps that enrolls a camper with a disability will be affected by the proposed rule. There are an estimated 412 day camps and 402 overnight camps operating in the 44 counties that have population less than 200,000. There are an additional 395 day camps and 97 overnight camps in the nine counties identified to have townships with a population density of 150 persons or less per square mile.

Of the approximate 814 camps operating in the 44 counties that have populations less than 200,000, there are 9 summer day and 13 overnight Camps for Children with Development Disabilities. There are an additional 5 day camps and 4 overnight camps in the 9 counties identified as having townships with a population density of 150 persons or less per square mile.

Reporting and Recordkeeping and Other Compliance Requirements:

Reporting and Recordkeeping:

The obligations imposed on camps operators in rural areas are no different from those imposed on camps generally, as described in "Cost to Regulated Parties" and "Paperwork" sections of the Regulatory Impact Statement.

Other Compliance Requirements:

The obligations imposed on camps in rural areas are no different from those imposed on camps generally, as described in "Cost to Regulated Parties" and "Paperwork" sections of the Regulatory Impact Statement.

Professional Services:

Camps for the Children with Development Disabilities are now explicitly required to obtain an appropriate medical examination of a camper physically injured from a reportable incident; however a medical examination has always been expected for such injuries, so this is not an additional service.

Compliance Costs:

Cost to Regulated Parties:

The costs imposed on camps in rural areas are no different from those imposed on camps generally, as described in "Cost to Regulated Parties" and "Paperwork" sections of the Regulatory Impact Statement.

Economic and Technological Feasibility:

There are no changes requiring the use of technology.

The proposal is believed to be economically feasible for impacted parties. The amendments impose additional reporting and investigation requirements that will use existing staff that already have similar job responsibilities. There are no requirements that involve capital improvements beyond requirements already imposed by the Americans with Disabilities Act.

Minimizing Adverse Economic Impact on Rural Area:

The amendments for Camps for Children with Developmental Disabilities are mandated by law. No alternatives were considered. No impacts are expected to be unique to rural areas.

Amendments for camps that have less than 20 percent of the campers with developmental disabilities are necessary to protect this vulnerable population. The Department has sought to strike a balance between protecting this vulnerable population and ensuring that costs are feasible. Amendments for camps that have less than 20 percent of the campers with developmental disabilities are believed to be what is minimally necessary to protect this vulnerable population.

Requirements for camps serving a population of less than 20 percent of children with developmental disabilities will be effective October 1, 2016. This will allow camps to adequately prepare for and implement these requirements.

Rural Area Participation:

The regulations were discussed at several State Camp Safety Advisory Council meetings which are open to the public and attended by camp operators from rural areas. However, due to the need to have regulations in place by the 2016 camping season with adequate time for camps to prepare for the new requirements, no formal outreach was conducted.

Job Impact Statement

No Job Impact Statement is required pursuant to section 201-a (2)(a) of the State Administrative Procedure Act. It is apparent, from the nature of the proposed amendment that it will have no adverse impact on the number of jobs and employment opportunities at children's camps, because it does not result in a decrease in current staffing level requirements.

Department of Labor

NOTICE OF ADOPTION

Tipped Workers in the Hospitality Industry

I.D. No. LAB-40-15-00015-A

Filing No. 1029

Filing Date: 2015-12-04

Effective Date: 2015-12-31

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Amendment of section 146-1.3(a)(4), (b)(4); and addition of section 146-3.12 to Title 12 NYCRR.

Statutory authority: Labor Law, sections 21(11), 652 and 656

Subject: Tipped workers in the hospitality industry.

Purpose: To implement changes to the wage rates for food service workers and service employees in the hospitality industry.

Text or summary was published in the October 7, 2015 issue of the Register, I.D. No. LAB-40-15-00015-P.

Final rule as compared with last published rule: No changes.

Text of rule and any required statements and analyses may be obtained from: Michael Paglialonga, NYS Department of Labor, Building 12, State Office Campus, Room 509, Albany, NY 12240, (518) 457-4380, email: tippedhospitality@labor.ny.gov

Revised Regulatory Flexibility Analysis

Effect of Rule: All small businesses, but no local governments, are potentially affected by the changes in the regulations.

Compliance Requirements: There are no changes in the reporting or record-keeping requirements regarding the minimum wage. Small businesses in the hospitality industry, and small businesses in other industries that employ workers at rates that are near, or below, the new statutory minimum wage rates, will have to review their payrolls in light of the new statutory minimum wage rates and the proposed wage orders to determine whether they will need to increase the amount that they pay to their workers.

Professional Services: No professional services would be required to effectuate the purposes of this rule.

Compliance Costs: These rules do not impose any additional compliance costs separate and apart from the costs imposed under the current rule. Such compliance costs do not exceed the cost of reviewing rates of pay, issuing appropriate pay rate notices, and increasing pay rates consistent with the increases implemented by this rulemaking.

Economic and Technological Feasibility: Compliance with these regulations will be economically and technologically feasible because these regulations simply adjust existing rates, without imposing new, or altering existing, requirements or procedures for complying with minimum wage requirements.

Minimizing Adverse Impact: Employers who testified and provided comments to the wage board and the Commissioner indicated that if rates for tipped workers are increased, employers will not absorb those increased costs, but will, instead, pass them along to consumers in the form of higher prices, or offset them by identifying cost savings that will allow them to maintain their overall labor costs at desired levels.

Small Business and Local Government Participation: Opportunities to participate in the development of this rulemaking were provided through two stages of notice and comment. At the first stage, a wage board for the hospitality industry met nine times between September 15, 2014 and January 30, 2015, including four public hearings around the state at which 127 persons testified, with an additional 140 persons in attendance, and four deliberative meetings and received 135 written submissions. Each of these nine meetings was publicized in advance, open to the public, videotaped, and subsequently webcast. The notices, webcasts, written submissions, and other materials, including the Commissioner's initial charge to the wage board, are posted on the Department of Labor's website at www.labor.ny.gov/wageboard2014.

At the second stage, upon receipt and filing of the wage board's report and recommendations, the Commissioner gave public notice of, and solicited public comment on, the wage board's report and recommendations, and received over 6,000 submissions.

Revised Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas: These rules apply to all private employers in all areas of the state.

2. Reporting, recordkeeping and other compliance requirements: There are no changes in the reporting or record-keeping requirements regarding the minimum wage. Employers in the hospitality industry, and employers in other industries that employ workers at rates that are near, or below, the new statutory minimum wage rates, will have to review their payrolls in light of the new statutory minimum wage rates and the proposed wage orders to determine whether they will need to increase the amount that they pay to their workers.

3. Professional services: No professional services will be required to comply with this rule.

4. Costs: These rules do not impose any additional compliance costs separate and apart from the costs that exist under the current rule. Such compliance costs do not exceed the cost of reviewing rates of pay, issuing appropriate pay rate notices, and increasing pay rates consistent with the increases implemented by this rulemaking.

5. Minimizing adverse impact: Employers who testified and provided comments to the wage board and the Commissioner indicated that if rates for tipped workers are increased, employers will not absorb those increased costs, but will, instead, pass them along to consumers in the form of higher prices, or offset them by identifying cost savings that will allow them to maintain their overall labor costs at desired levels.

6. Rural area participation: Opportunities to participate in the development of this rulemaking were provided through two stages of notice and comment. At the first stage, a wage board for the hospitality industry met nine times between September 15, 2014 and January 30, 2015, including four public hearings around the state at which 127 persons testified, with an additional 140 persons in attendance, and four deliberative meetings and received 135 written submissions. Each of these nine meetings was publicized in advance, open to the public, videotaped, and subsequently webcast. The notices, webcasts, written submissions, and other materials, including the Commissioner's initial charge to the wage board, are posted on the Department of Labor's website at www.labor.ny.gov/wageboard2014.

At the second stage, upon receipt and filing of the wage board's report and recommendations, the Commissioner gave public notice of, and solicited public comment on, the wage board's report and recommendations, and received over 6,000 submissions.

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2018, which is no later than the 3rd year after the year in which this rule is being adopted.

Assessment of Public Comment

The Department received several comments following publication of the original rule in the October 7, 2015 edition of the NY Register. The following represents a summary and an analysis of such comments, the reasons why any significant alternatives were not incorporated into the rule, and a description of the changes made in the proposed rule as a result of such comments.

Specific comments, and responses to them, are contained below.

Comment 1:

Food service delivery drivers who receive tips should be within the coverage of the proposed rule.

Response 1:

The rule will apply to delivery drivers that are properly classified as service employees and that are covered by the Hospitality Industry Wage Order (12 NYCRR Part 146 and § 146-3.3).

Comment 2:

The proposed rule should not limit resort hotels to a \$1.50 per hour tip credit where employees earn more than \$5.05 per hour in tips, as it creates a different tip scale for tipped workers at resort hotels.

Response 2:

The rule sets a uniform \$1.50 per hour limitation on the maximum tip allowance in the Hospitality Industry for all tipped employees because that is what Wage Board recommended and the Commissioner adopted.

Comment 3:

The significant cash wage increase will harm businesses in the hospitality industry.

Response 3:

As stated more fully in the previously published Regulatory Impact Statement, the Department anticipates that the cost to employers in the hospitality industry will be de minimis, and that employers will be able to pass along costs to consumers through price increases, or through identifying areas of cost savings that permits them to maintain appropriate levels of labor costs.

Comment 4:

This rulemaking should be enacted as soon as possible to give employers more time to prepare to comply with the requirements.

Response 4:

The effective date of this rule is December 31, 2015, and the provisions

remain unchanged from those previously published in the October 7, 2015 edition of the State Register. To further notify the regulated community, the Department has provided information on the requirements of this rulemaking on its website.

Comment 5:

There will be increased compliance costs for this rulemaking due to employer's need to provide employees with a new notice of pay in accordance with Section 195 of the Labor Law, and such is not reflected in the Regulatory Flexibility Analysis.

Response 5:

The Department has amended the Regulatory Flexibility Analysis and the Rural Area Flexibility Analysis to reflect this minimal cost.

NOTICE OF ADOPTION

Fast Food Minimum Wage

I.D. No. LAB-42-15-00003-A

Filing No. 1069

Filing Date: 2015-12-10

Effective Date: 2015-12-31

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Amendment of section 146-1.2; and addition of section 146-3.13 to Title 12 NYCRR.

Statutory authority: Labor Law, sections 21(11), 652 and 656

Subject: Fast Food Minimum Wage.

Purpose: To implement changes to the wages for food service workers and service employees in the hospitality industry.

Text or summary was published in the October 21, 2015 issue of the Register, I.D. No. LAB-42-15-00003-P.

Final rule as compared with last published rule: No changes.

Text of rule and any required statements and analyses may be obtained from: Michael Paglialonga, NYS Department of Labor, Building 12, State Office Campus, Room 509, Albany, NY 12240, (518) 457-4380, email: fastfood@labor.ny.gov

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2018, which is no later than the 3rd year after the year in which this rule is being adopted.

Assessment of Public Comment

The Department received several comments following publication of the original rule in the October 21, 2015 edition of the NY Register. The following represents a summary and an analysis of such comments, and the reasons why any significant alternatives were not incorporated into the rule.

Specific comments, and responses to them, are contained below.

Comment 1:

The proposed rule will provide significant health and economic benefits for low wage and disadvantaged workers facing economic hardship.

Response 1:

The Department agrees with this comment.

Comment 2:

The proposed rule could impact private nonprofitmaking colleges that have fast food establishments on campus that are staffed by student workers, some of whom are funded through federal work-study.

Response 2:

This rule only applies to employers within the coverage of the Hospital-Wage Order (12 NYCRR Part 146), which contains specific exclusions that may be relevant to private colleges. (See, 12 NYCRR 146-3.1(d).) Whether those exclusions apply will depend on the particular facts and circumstances surrounding the employment.

Comment 3:

The proposed rule could impact retail employers that have fast food establishments located within retail establishments.

Response 3:

This rule applies to fast food establishments that are located within non-fast food establishments. Whether the rule impacts retail employers will depend on the particular facts and circumstances surrounding the employment.

Public Service Commission

NOTICE OF ADOPTION

EDI Standards Documents

I.D. No. PSC-34-15-00015-A

Filing Date: 2015-12-07

Effective Date: 2015-12-07

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 11/19/15, the PSC adopted an order approving modifications to the Electronic Data Interchange (EDI) Standards documents, as set forth in the EDI Report submitted on July 24, 2015.

Statutory authority: Public Service Law, sections 5(1)(b), 65(1), (2), (3), 66(1), (2), (3), (5) and (8)

Subject: EDI Standards documents.

Purpose: To approve modifications to the EDI Standards documents.

Substance of final rule: The Commission, on November 19, 2015, adopted an order approving modifications to the Electronic Data Interchange (EDI) Standards documents, as set forth in the EDI Report submitted on July 24, 2015, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(12-M-0476SA12)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

New York State Reliability Council's Establishment of an Installed Reserve Margin of 17.5%

I.D. No. PSC-51-15-00009-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: The Commission is considering an Installed Reserve Margin of 17.5% established by the New York State Reliability Council for the Capability Year beginning May 1, 2016, and ending April 30, 2017.

Statutory authority: Public Service Law, sections 4(1), 5(2), 65(1), 66(1), (2), (4) and (5)

Subject: New York State Reliability Council's establishment of an Installed Reserve Margin of 17.5%.

Purpose: To consider an Installed Reserve Margin for the Capability Year beginning May 1, 2016, and ending April 30, 2017.

Substance of proposed rule: The Public Service Commission (Commission) is considering an Installed Reserve Margin (IRM) of 17.5% established by the New York State Reliability Council's Executive Committee on December 4, 2015, for the Capability Year beginning May 1, 2016, and ending April 30, 2017. The IRM is based on the Technical Study Report entitled "New York Control Area Installed Capacity Requirement for the Period May 2016 to April 2017" (Report). The Report is available on the internet at: http://www.nysrc.org/NYSRC_NYCA_ICR_Reports.html. The Commission may adopt, reject or modify, in whole or in part, the proposed IRM and may resolve other related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: Secretary@dps.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(07-E-0088SP10)

**PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED**

Modification of the EDP

I.D. No. PSC-51-15-00010-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: The Commission is considering modifying the Environmental Disclosure Labeling Program (EDP) for consistency with the proposed New York Generation Attribute Tracking System (NYGATS) rules.

Statutory authority: Public Service Law, sections 5(2), 65(1), 66(1), (2) and (3)

Subject: Modification of the EDP.

Purpose: To consider modifying the EDP.

Substance of proposed rule: The Commission is considering modifying the Environmental Disclosure Labeling Program (EDP) for consistency with the proposed New York Generation Attribute Tracking System (NYGATS) rules or replacing or eliminating EDP. NYGATS Draft Operating Rules are available on the New York Energy Research and Development Authority's website at www.nyserda.ny.gov/Cleantech-and-Innovation/Environment/Research-Crosscutting-Topics/New-York-Generation-Attribute-Tracking-System. In addition, the Secretary to the Commission has issued a Notice Instituting Proceeding and Soliciting Comments on Environmental Disclosure Labeling Program. The Commission may adopt, reject or modify, in whole or in part, the relief proposed, may take other actions to support consistency between Commission programs and NYGATS, and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-E-0696SP1)

**PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED**

National Grid's Electric Economic Development Programs

I.D. No. PSC-51-15-00011-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: The Public Service Commission is considering proposed modifications to the electric Economic Development Programs filed by Niagara Mohawk Power Corporation d/b/a National Grid.

Statutory authority: Public Service Law, sections 4, 5 and 66

Subject: National Grid's electric Economic Development Programs.

Purpose: To consider modifications to the economic development assistance to qualified businesses.

Substance of proposed rule: The Public Service Commission is considering a petition filed by Niagara Mohawk Power Corporation d/b/a National Grid requesting approval to modify seven of their electric Economic Development Programs. The request was filed as part of the utility's Economic Development Grant Programs Annual Report on October 15, 2015. The modifications proposed would i) add Service Class 2 applicants as eligible to the Capital Investment Incentive program, ii) expand eligibility for the Agricultural Business Productivity program to all types of farm/food processing and eliminate the NYSEDA participation requirement, iii) add language to the Main Street Revitalization program to clarify when less than 100% vacant buildings and buildings larger than 100,000 square feet are eligible, iv) increase the 3-Phase Power Incentive program maximum grant level from \$100,000 to \$200,000 for utility upgrades and \$150,000 to \$250,000 for renewable energy alternatives, v) lower the population requirement of the Urban Center/Commercial District Revitalization program from 15,000 to 10,000 and offer a maximum grant of \$100,000 for project populations less than 15,000, vi) increase the maximum grant level for the Power Quality Enhancement program from \$100,000 to \$250,000 and add language to clarify that project work includes the customer side of the meter, and vii) include eligibility in the Targeted Financial Assistance program for businesses in a single facility/location employing at least 500 and excluding the 500 kW demand requirement. The Commission may adopt, reject or modify the petition, in whole or in part, the relief proposed and may address any related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(12-E-0201SP8)

**PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED**

A Waiver of the Rule Requiring New Electric Lines to be Constructed Underground in Residential Subdivisions

I.D. No. PSC-51-15-00013-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: The Public Service Commission is considering a petition filed by Lost Lake Resort for a waiver of the rule requiring new electric lines to be constructed underground in residential subdivisions.

Statutory authority: Public Service Law, sections 31(4), 51, 65(1) and 66(1)

Subject: A waiver of the rule requiring new electric lines to be constructed underground in residential subdivisions.

Purpose: To consider a waiver of the rule requiring new electric lines to be constructed underground in residential subdivisions.

Substance of proposed rule: The Public Service Commission (Commission) is considering a letter petition filed on June 1, 2015, by Lost Lake Resort, seeking a waiver of the regulatory requirements contained in 16 NYCRR § 100.1, so that it may construct new electric distribution lines, service lines, and appurtenant facilities overhead instead of underground in a residential subdivision. The Commission may adopt, reject or modify, in whole or in part, the relief proposed and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.
(15-E-0310SP1)

Department of State

NOTICE OF ADOPTION

Rules Relating to Insurance and Bond Requirements

I.D. No. DOS-38-15-00003-A

Filing No. 1042

Filing Date: 2015-12-08

Effective Date: 2015-12-23

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Repeal of section 160.9; and addition of new section 160.9 to Title 19 NYCRR.

Statutory authority: Executive Law, section 91; General Business Law, sections 402(5) and 404

Subject: Rules relating to insurance and bond requirements.

Purpose: To enhance protections to workers by adding new provisions requiring wage coverage.

Text of final rule: 19 NYCRR § 160.9 Bond or liability insurance

(a) An owner must maintain proof of minimum financial security in the following amounts:

(1) for accident and professional liability, at least \$25,000 per individual occurrence and \$75,000 in the aggregate; and

(2) for payment of wages and remuneration legally due employees who provide nail specialty services pursuant to the following schedule:

(i) if owner employs the equivalent of two to five full time individuals who provide nail specialty services, at least \$25,000 or in such other amount as directed by the Secretary;

(ii) if owner employs the equivalent of six to ten full time individuals who provide nail specialty services, at least \$40,000 or in such other amount as directed by the Secretary;

(iii) if owner employs the equivalent of 11 to 25 full time individuals who provide nail specialty services, at least \$75,000 or in such other amount as directed by the Secretary; or

(iv) if owner employs the equivalent of 26 or more full time individuals who provide nail specialty services, at least \$125,000 or in such other amount as directed by the Secretary.

(b) Such proof may be satisfied by purchasing:

(1) accident and professional liability insurance, or general liability insurance; or

(2) a bond with a corporate surety, from a company authorized to do an insurance business in this state, payable in favor of the people of the state of New York; or

(3) any combination of (1) or (2) as provided in this Subdivision provided that the coverage amounts set forth in Subdivision (a) of this Section are satisfied.

(c) Proof of bond and liability insurance coverage, as applicable, must be filed with the Secretary and may be terminated only in accordance with the following provisions:

(1) A bond shall not be cancelled, revoked, or terminated by the owner, nor shall the owner take action that would result in the cancellation, revocation, or termination of such bond, except after notice to, and with the consent of, the Secretary at least forty-five days in advance of such cancellation, revocation, or termination. The bond shall include a provision requiring the surety to provide forty-five days' notice to the Secretary prior to terminating the bond, except in the case of termination for nonpayment of premium in which case such notice shall be provided to the Secretary upon termination.

(2) A liability insurance policy obtained pursuant to this Section shall not be cancelled, revoked, or terminated by the owner, nor shall the owner take action that would result in the cancellation, revocation, or termination of such insurance policy, except after notice to the Secretary at least forty-five days in advance of such cancellation, revocation, or termination, in a form prescribed by the Secretary.

(d) Proof of such bond or liability insurance policy must be maintained

on the business premises. Such proof shall be accessible by all employees at all times that the business is open.

Final rule as compared with last published rule: Nonsubstantive changes were made in section 160.9(b)(2), (c)(1) and (e).

Text of rule and any required statements and analyses may be obtained from: David Mossberg, NYS Dept. of State, 123 William St., 20th Fl., New York, NY 10038, (212) 417-2063, email: david.mossberg@dos.ny.gov

Revised Regulatory Impact Statement

Changes made to the text of the last published rule do not necessitate revisions to the previously published Regulatory Impact Statement.

After reviewing the sole public comment and consulting with other agencies as part of Governor Cuomo's Task Force to Combat Wage Abuse in the Nail Salon Industry, the Department made the following text changes to this rule: 1) amended text to conform to proper terminology used by the Department of Financial Services ("DFS"); 2) amended text to reduce paperwork and notification requirements for surety companies; and 3) amended text to remove references to expired grace periods. These changes do not require a revised Regulatory Impact Statement.

The original rule on this matter required a bond to be obtained from a "business authorized to do business in this state." DFS has informed the Department that the proper term of art used in the insurance industry is "authorized to do an insurance business in this state." Giving deference to DFS, the Department changed the text to use the correct terminology. This is a technical change which does not require a revised Regulatory Impact Statement.

The original rule on this matter required 45 days' notification prior to termination, cancellation or revocation of a bond regardless of the circumstances. The Department received a public comment from the American Insurance Association ("AIA") which indicated that when a surety intends to terminate a bond for non-payment of premium, the bond is usually renewed in approximately 85% of the time upon notifying the holder to make a payment. The AIA suggested therefore that notification for non-payment of premium be made after termination is effective. The Department considered this recommendation, and found that changing the requirement to notify upon termination for non-payment would reduce paperwork and ease burdens on both the Department as well as surety companies. As this revision merely changes the time requirements for notifications which were otherwise required under the original rule, a revised Regulatory Impact Statement is not needed.

The original rule on this matter, filed on May 18, 2015, was superseded by a similar but different emergency rulemaking on June 10, 2015, the text of which first appeared in the July 1, 2015 edition of the State Register. On September 4, 2015, the Department simultaneously re-adopted the June 10th emergency regulation and proposed the regulation for permanent adoption by filing a Notice of Emergency/Proposed Rulemaking. On October 30, 2015, the Department filed a second emergency re-adoption of the rule that has been in effect since June 10th. The rule text, however, continued to include grace periods to provide businesses sufficient time to come into compliance. The Department has removed such grace period provisions because they have since expired.

The Department finds that the foregoing changes are not substantive and therefore do not require a Revised Regulatory Impact Statement.

Revised Regulatory Flexibility Analysis

Changes made to the text of the last published rule do not necessitate revisions to the previously published Revised Regulatory Flexibility Analysis.

After reviewing the sole public comment and consulting with other agencies as part of Governor Cuomo's Task Force to Combat Wage Abuse in the Nail Salon Industry, the Department made the following text changes to this rule: 1) amended text to conform to proper terminology used by the Department of Financial Services ("DFS"); 2) amended text to reduce paperwork and notification requirements for surety companies; and 3) amended text to remove references to expired grace periods. These changes do not require a Revised Regulatory Flexibility Analysis.

The original rule on this matter required a bond to be obtained from a "business authorized to do business in this state." DFS has informed the Department that the proper term of art used in the insurance industry is "authorized to do an insurance business in this state." Giving deference to DFS, the Department changed the text to use the correct terminology. This is a technical change which does not require a Revised Regulatory Flexibility Analysis.

The original rule on this matter required 45 days' notification prior to termination, cancellation or revocation of a bond regardless of the circumstances. The Department received a public comment from the American Insurance Association ("AIA") which indicated that when a surety intends to terminate a bond for non-payment of premium, the bond is usually renewed in approximately 85% of the time upon notifying the holder to make a payment. The AIA suggested therefore that notification

for non-payment of premium be made after termination is effective. The Department considered this recommendation, and found that changing the requirement to notify upon termination for non-payment would reduce paperwork and ease burdens on both the Department as well as surety companies. As this revision merely changes the time requirements for notifications which were otherwise required under the original rule, a Revised Regulatory Flexibility Analysis is not needed.

The original rule on this matter, filed on May 18, 2015, was superseded by a similar but different emergency rulemaking on June 10, 2015, the text of which first appeared in the July 1, 2015 edition of the State Register. On September 4, 2015, the Department simultaneously re-adopted the June 10th emergency regulation and proposed the regulation for permanent adoption by filing a Notice of Emergency/Proposed Rulemaking. On October 30, 2015, the Department filed a second emergency re-adoption of the rule that has been in effect since June 10th. The rule text, however, continued to include grace periods to provide businesses sufficient time to come into compliance. The Department has removed such grace period provisions because they have since expired.

The Department finds that the foregoing changes are not substantive and therefore do not require a Revised Regulatory Flexibility Analysis.

Revised Rural Area Flexibility Analysis

Changes made to the text of the last published rule do not necessitate revisions to the previously published Revised Rural Area Flexibility Analysis.

After reviewing the sole public comment and consulting with other agencies as part of Governor Cuomo's Task Force to Combat Wage Abuse in the Nail Salon Industry, the Department made the following text changes to this rule: 1) amended text to conform to proper terminology used by the Department of Financial Services ("DFS"); 2) amended text to reduce paperwork and notification requirements for surety companies; and 3) amended text to remove references to expired grace periods. These changes do not require a Revised Rural Area Flexibility Analysis.

The original rule on this matter required a bond to be obtained from a "business authorized to do business in this state." DFS has informed the Department that the proper term of art used in the insurance industry is "authorized to do an insurance business in this state." Giving deference to DFS, the Department changed the text to use the correct terminology. This is a technical change which does not require a Revised Rural Area Flexibility Analysis.

The original rule on this matter required 45 days' notification prior to termination, cancellation or revocation of a bond regardless of the circumstances. The Department received a public comment from the American Insurance Association ("AIA") which indicated that when a surety intends to terminate a bond for non-payment of premium, the bond is usually renewed in approximately 85% of the time upon notifying the holder to make a payment. The AIA suggested therefore that notification for non-payment of premium be made after termination is effective. The Department considered this recommendation, and found that changing the requirement to notify upon termination for non-payment would reduce paperwork and ease burdens on both the Department as well as surety companies. As this revision merely changes the time requirements for notifications which were otherwise required under the original rule, a Revised Rural Area Flexibility Analysis is not needed.

The original rule on this matter, filed on May 18, 2015, was superseded by a similar but different emergency rulemaking on June 10, 2015, the text of which first appeared in the July 1, 2015 edition of the State Register. On September 4, 2015, the Department simultaneously re-adopted the June 10th emergency regulation and proposed the regulation for permanent adoption by filing a Notice of Emergency/Proposed Rulemaking. On October 30, 2015, the Department filed a second emergency re-adoption of the rule that has been in effect since June 10th. The rule text, however, continued to include grace periods to provide businesses sufficient time to come into compliance. The Department has removed such grace period provisions because they have since expired.

The Department finds that the foregoing changes are not substantive and therefore do not require a Revised Rural Area Flexibility Analysis.

Revised Job Impact Statement

Changes made to the text of the last published rule do not necessitate revisions to the previously published Revised Job Impact Statement.

After reviewing the sole public comment and consulting with other agencies as part of Governor Cuomo's Task Force to Combat Wage Abuse in the Nail Salon Industry, the Department made the following text changes to this rule: 1) amended text to conform to proper terminology used by the Department of Financial Services ("DFS"); 2) amended text to reduce paperwork and notification requirements for surety companies; and 3) amended text to remove references to expired grace periods. These changes do not require a Revised Job Impact Statement.

The original rule on this matter required a bond to be obtained from a "business authorized to do business in this state." DFS has informed the

Department that the proper term of art used in the insurance industry is "authorized to do an insurance business in this state." Giving deference to DFS, the Department changed the text to use the correct terminology. This is a technical change which does not require a Revised Job Impact Statement.

The original rule on this matter required 45 days' notification prior to termination, cancellation or revocation of a bond regardless of the circumstances. The Department received a public comment from the American Insurance Association ("AIA") which indicated that when a surety intends to terminate a bond for non-payment of premium, the bond is usually renewed in approximately 85% of the time upon notifying the holder to make a payment. The AIA suggested therefore that notification for non-payment of premium be made after termination is effective. The Department considered this recommendation, and found that changing the requirement to notify upon termination for non-payment would reduce paperwork and ease burdens on both the Department as well as surety companies. As this revision merely changes the time requirements for notifications which were otherwise required under the original rule, a Revised Job Impact Statement is not needed.

The original rule on this matter, filed on May 18, 2015, was superseded by a similar but different emergency rulemaking on June 10, 2015, the text of which first appeared in the July 1, 2015 edition of the State Register. On September 4, 2015, the Department simultaneously re-adopted the June 10th emergency regulation and proposed the regulation for permanent adoption by filing a Notice of Emergency/Proposed Rulemaking. On October 30, 2015, the Department filed a second emergency re-adoption of the rule that has been in effect since June 10th. The rule text, however, continued to include grace periods to provide businesses sufficient time to come into compliance. The Department has removed such grace period provisions because they have since expired.

The Department finds that the foregoing changes are not substantive and therefore do not require a Revised Job Impact Statement.

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2018, which is no later than the 3rd year after the year in which this rule is being adopted.

Assessment of Public Comment

Since the most recent publication of this rule in the State Register, the Department received 1 comment from the American Insurance Association ("AIA"). The AIA recommended 2 changes to the rule text, one of which the Department agrees with and amended accordingly.

The original rule on this matter required 45 days' notification prior to termination, cancellation or revocation of a bond regardless of the circumstances. The AIA indicated that when a surety intends to terminate a bond for nonpayment of premium, the bond is usually renewed in approximately 85% of the time upon notifying the holder to make a payment. The AIA suggested therefore that notification for nonpayment of premium be made after termination is effective. The Department considered this recommendation, and found that changing the requirement to notify upon termination for nonpayment would reduce paperwork and ease burdens on both the Department as well as surety companies. This change was therefore incorporated into the final rule.

The second proposal from the AIA was to change the notification for cancellations for any other reason besides nonpayment of premium, to a 15 day notice which could be provided simultaneously to both the insured and the Department. As cancellation for reasons other than nonpayment would generally present itself in instances of fraud or other illegality, the Department believes that 15 days' notice is insufficient to protect workers. The Department believes that if notification is made that a holder's policy is being canceled for fraud or other illegality, the Department could commence an investigation into the matter while the policy is still in effect if 45 days' notice is provided. During that period the Department could potentially take appropriate action to ensure that the license is suspended to prevent operation without a required bond. In order to ensure that sufficient time is available to commence an investigation, this recommendation was not incorporated into the final rule.

NOTICE OF ADOPTION

Personal Protective Equipment

I.D. No. DOS-38-15-00004-A

Filing No. 1041

Filing Date: 2015-12-08

Effective Date: 2015-12-23

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Amendment of section 160.11(a)-(b); and addition of sections 160.11(c) and 160.20(h)-(j) to Title 19 NYCRR.

Statutory authority: Executive Law, section 91; General Business Law, sections 402(5) and 404

Subject: Personal protective equipment.

Purpose: To require the provision of personal protective equipment.

Text of final rule: Section 160.11 of Title 19 of the NYCRR is amended as follows:

Section 160.11. Owner responsibilities

(a) An owner [, an area renter or both] shall be responsible for the proper conduct of the licensed business and for the proper provision of appearance enhancement services to the public by its employees or operators.

(b) An owner [, an area renter or both] shall be responsible for compliance with all applicable health and sanitary codes, and all statutory and regulatory requirements with respect to the practices of the occupation and business prescribed by this Part.

(c) *An owner shall be responsible for maintaining the following equipment at each workstation, to be made available, upon request and without cost, to each person providing nail care services who uses such workstation:*

(1) *A properly fitting N-95 or N-100 respirator, approved by the National Institute for Occupational Safety and Health ("NIOSH"), for each individual who uses such workstation, to reduce inhalation of dust and particulate matter;*

(2) *Protective gloves made of nitrile, or other similar non-permeable material for workers with a sensitivity to nitrile gloves, in quantities sufficient to allow each individual providing nail care services to have a new pair of gloves for each customer served; and*

(3) *Eye protection sufficient to protect from splashes when pouring or transferring potentially hazardous chemicals from bulk containers or when preparing potentially hazardous chemicals for use in nail care services.*

Section 160.20 of Title 19 of the NYCRR is amended as follows:

160.20 Hygienic practices.

(a) Cotton applicators may be used and must be stored in a closed container or sealed bag.

(b) A clean sheet of paper or a clean towel not previously used for any purpose shall be placed on the table or headrest before any client reclines on a table or chair.

(c) Cloth towels may be used once then bagged, machine washed and dried.

(d) A paper strip or clean towel shall be placed completely around the neck of each client before an apron or any other protective device is fastened around the neck.

(e) All practitioners and nail care clients must wash hands with soap and water before each client service.

(f) All sharp or pointed equipment shall be stored when not in use so as not to be accessible to consumers.

(g) All fluids, semifluids and powders must be dispensed with a shaker, dispenser pump or spray type container. All creams, lotions and other cosmetics used for clients must be kept in closed containers and dispensed with disposable applicators. When only a portion of a preparation is to be used on a client, it shall be removed from the container in such a way as not to contaminate the remaining portion.

(h) *All practitioners shall have access to and may use a properly fitted N-95 or N-100 respirator, provided by the owner and approved by the National Institute for Occupational Safety and Health ("NIOSH"), in accordance with manufacturer's specifications when buffing or filing artificial nails or using acrylic powder.*

(i) *All practitioners shall have access to and may wear gloves, provided by the owner, when handling potentially hazardous chemicals or waste and during cleanup, or when performing any procedure that has a risk of breaking a customer's skin.*

(j) *All practitioners shall have access to and may wear eye protection, provided by the owner, when pouring or transferring potentially hazardous chemicals from bulk containers and when preparing potentially hazardous chemicals for use in nail care services.*

Final rule as compared with last published rule: Nonsubstantive changes were made in sections 160.11(d) and 160.20(k).

Text of rule and any required statements and analyses may be obtained from: David Mossberg, NYS Dept. of State, 123 William St., 20th Fl., New York, NY 10038, (212) 417-2063, email: david.mossberg@dos.ny.gov

Revised Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Changes made to the text of the last published rule do not necessitate revisions to the previously published Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement.

The original rule on this matter, filed on May 18, 2015, was superseded by a similar but different emergency rulemaking on June 10, 2015, the text of which first appeared in the July 1, 2015 edition of the State Register. On September 4, 2015, the Department simultaneously re-adopted the June 10th emergency regulation and proposed the regulation for permanent adoption by filing a Notice of Emergency/Proposed Rulemaking. On October 30, 2015, the Department filed a second emergency re-adoption of the rule that has been in effect since June 10th. The rule text, however, continued to include grace periods to provide businesses sufficient time to come into compliance. The Department has removed such grace period provisions because they have since expired. No other changes have been made to the rule text.

The Department finds that removing references to expired grace periods is not a substantial change requiring a Revised Regulatory Impact Statement, Revised Regulatory Flexibility Analysis, Revised Rural Area Flexibility Analysis and Revised Job Impact Statement.

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2018, which is no later than the 3rd year after the year in which this rule is being adopted.

Assessment of Public Comment

The agency received no public comment.

Department of Taxation and Finance

EMERGENCY RULE MAKING

City of New York Withholding Tables and Other Methods

I.D. No. TAF-51-15-00007-E

Filing No. 1037

Filing Date: 2015-12-08

Effective Date: 2015-12-23

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Repeal of Appendix 10-C; and addition of new Appendix 10-C to Title 20 NYCRR.

Statutory authority: Tax Law, sections 171, subdivision First, 671(a)(1), 697(a), 1309 and 1312(a); Administrative Code of the City of New York, sections 11-1771(a) and 11-1797(a); and L. 2015, ch. 59, part B

Finding of necessity for emergency rule: Preservation of general welfare.

Specific reasons underlying the finding of necessity: Part B of Chapter 59 of the Laws of 2015 made certain changes to the personal income tax law that require the Commissioner to adjust the withholding tables and other methods in Appendix 10-C of 20 NYCRR, and to promulgate rules to implement the changes as soon as practicable. Section 4 of Part B specifically authorizes emergency action to adopt rules implementing these changes. Sections 1309 and 671(a)(1) of the Tax Law mandates that employers withhold from employees amounts that are substantially equivalent to the tax reasonably estimated to be due for the taxable year. These amendments to Appendix 10-C reflect the revision of the City of New York tax tables in accordance with the increased rate of New York City personal income tax applicable to income over \$500,000 enacted by Part B of Chapter 59 of the Laws of 2015, implemented over a twelve month period for the 2016 tax year, rather than the shorter implementation period required for tax year 2015. These rules are being adopted on an emergency basis in accordance with the requirement that rules be adopted and effective as soon as practicable and consistent with the statutory requirement that employers must withhold amounts substantially equivalent to the tax reasonably estimated to be due for the taxable year.

Subject: City of New York withholding tables and other methods.

Purpose: To provide current City of New York withholding tables and other methods.

Substance of emergency rule: Section 1309 of the Tax Law and section 11-1771 of the Administrative Code of the City of New York mandate that employers withhold from employee wages amounts that are substantially equivalent to the amount of City of New York personal income tax on residents reasonably estimated to be due for the taxable year. The provi-

sions authorize the Commissioner of Taxation and Finance to provide for withholding of these taxes through regulations promulgated by the Commissioner.

This rule repeals and replaces Appendix 10-C of Title 20 NYCRR, New York City Personal Income Tax on Residents Withholding Tables and Other Methods of such Title, to provide new City of New York withholding tables and other methods. The amendments to Appendix 10-C reflect the revision of the City of New York tax tables in accordance with the increased rate of New York City personal income tax applicable to income over \$500,000 enacted by Part B of Chapter 59 of the Laws of 2015, implemented over a twelve month period for the 2016 tax year, rather than the shorter implementation period required for tax year 2015, and the requirement that the withholding rates reflect the full amount of tax liability as accurately as practicable.

The rule applies to wages and other compensation subject to withholding paid on or after January 1, 2016.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt this emergency rule as a permanent rule and will publish a notice of proposed rule making in the *State Register* at some future date. The emergency rule will expire March 6, 2016.

Text of rule and any required statements and analyses may be obtained from: Kathleen D. O'Connell, Tax Regulations Specialist 1, Department of Taxation and Finance, Taxpayer Guidance Division, Building 9, W.A. Harriman Campus, Albany, NY 12227, (518) 530-4153, email: Kathleen.OConnell@tax.ny.gov

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

A Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement are not submitted, but will be published in the *Register* within 30 days of the rule's effective date.

HEARINGS SCHEDULED FOR PROPOSED RULE MAKINGS

Agency I.D. No.	Subject Matter	Location—Date—Time
Environmental Conservation, Department of		
ENV-51-15-00004-P.....	Distributed generation (DG) sources that feed the distribution grid or produce electricity for use at host facilities or both	<p>Department of Environment Conservation, One Hunters Point Plaza, 47-40 21st St., Long Island City, NY—Feb. 8, 2016, 10:00 a.m.</p> <p>Department of Environment Conservation, 6274 E. Avon-Lima Rd., Avon, NY—Feb. 9, 2016, 1:00 p.m.</p> <p>Department of Environment Conservation, 625 Broadway, Public Assembly Rm. 129, Albany, NY—Feb. 11, 2016, 9:00 a.m.</p>
State, Department of		
DOS-47-15-00016-P.....	State Energy Conservation Construction Code (the “Energy Code”)	<p>Department of State, 99 Washington Ave., Conference Rm. 505, Albany, NY—Jan. 25, 2016, 10:00 a.m.</p> <p>Perry B. Duryea Jr. State Office Bldg., 250 Veterans Memorial Hwy., Training Rm. 1A16, Hauppauge, NY—Jan. 26, 2016, 10:00 a.m.</p> <p>Hughes State Office Bldg., 333 E. Washington St., Main Hearing Rm. - 1st Fl., Syracuse, NY—Jan. 27, 2016, 10:00 a.m.</p> <p>Walter J. Mahoney State Office Bldg., 65 Court St., Hearing Rm. 4, Buffalo, NY—Jan. 28, 2016, 10:00 a.m.</p> <p>Department of State, 123 William St., Conference Rm. 231, New York, NY—Jan. 29, 2016, 10:00 a.m.</p>
DOS-47-15-00017-P.....	To adopt updated provisions for the Uniform Fire Prevention and Building Code (“Uniform Code”)	<p>Department of State, 99 Washington Ave., Conference Rm. 505, Albany, NY—Jan. 25, 2016, 10:00 a.m.</p> <p>Perry B. Duryea Jr. State Office Bldg., 250 Veterans Memorial Hwy., Training Rm. 1A16, Hauppauge, NY—Jan. 26, 2016, 10:00 a.m.</p> <p>Hughes State Office Bldg., 333 E. Washington St., Main Hearing Rm. - 1st Fl., Syracuse, NY—Jan. 27, 2016, 10:00 a.m.</p> <p>Walter J. Mahoney State Office Bldg., 65 Court St., Hearing Rm. 4, Buffalo, NY—Jan. 28, 2016, 10:00 a.m.</p>

ACTION PENDING INDEX

The action pending index is a list of all proposed rules which are currently being considered for adoption. A proposed rule is added to the index when the notice of proposed rule making is first published in the *Register*. A proposed rule is removed from the index when any of the following occur: (1) the proposal is adopted as a permanent rule; (2) the proposal is rejected and withdrawn from consideration; or (3) the proposal's notice expires.

Most notices expire in approximately 12 months if the agency does not adopt or reject the proposal within that time. The expiration date is printed in the second column of the action pending index. Some notices, however, never expire. Those notices are identified by the word "exempt" in the second column. Actions pending for one year or more are preceded by an asterisk(*).

For additional information concerning any of the proposals listed

in the action pending index, use the identification number to locate the text of the original notice of proposed rule making. The identification number contains a code which identifies the agency, the issue of the *Register* in which the notice was printed, the year in which the notice was printed and the notice's serial number. The following diagram shows how to read identification number codes.

Agency code	Issue number	Year published	Serial number	Action Code
AAM	01	12	00001	P

Action codes: P — proposed rule making; EP — emergency and proposed rule making (expiration date refers to proposed rule); RP — revised rule making

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
AGRICULTURE AND MARKETS, DEPARTMENT OF			
AAM-17-15-00011-RP	05/19/16	Growth and cultivation of industrial hemp	To set forth procedures for authorizing and regulating the growth and cultivation of industrial hemp
AAM-28-15-00003-P	07/14/16	Incorporate by reference in 1 NYCRR of the 2015 edition of National Institute of Standards and Technology ("NIST") Handbook 133	To incorporate by reference in 1 NYCRR the 2015 edition of NIST Handbook 133
AAM-32-15-00001-P	08/11/16	Petroleum products and delivery devices; exemption of maple syrup and honey producers from food processing	To repeal requirements relating to petroleum devices and products, and to maple syrup and honey producers
CHILDREN AND FAMILY SERVICES, OFFICE OF			
CFS-20-15-00004-P	05/19/16	Casework contact for foster children placed out of state	To conform NYS standards for casework contacts of foster children under age 18 who are placed out of state to federal standards
CFS-49-15-00005-P	12/08/16	Youth development program funding and implementation	To implement changes in the Executive Law regarding youth development program funding and implementation
CIVIL SERVICE, DEPARTMENT OF			
CVS-01-15-00023-P	01/07/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-11-15-00004-P	03/17/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-19-15-00005-P	05/12/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-29-15-00006-P	07/21/16	Jurisdictional Classification	To delete a position from and classify positions in the exempt class
CVS-29-15-00007-P	07/21/16	Jurisdictional Classification	To delete positions from the non-competitive class

Action Pending Index**NYS Register/December 23, 2015**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-29-15-00008-P	07/21/16	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-29-15-00009-P	07/21/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-29-15-00010-P	07/21/16	Jurisdictional Classification	To delete positions from the exempt class
CVS-29-15-00011-P	07/21/16	Jurisdictional Classification	To classify a position in the exempt class
CVS-34-15-00006-P	08/25/16	Jurisdictional Classification	To classify a position in the exempt class
CVS-34-15-00007-P	08/25/16	Jurisdictional Classification	To classify a position in the exempt class and to classify a position in the non-competitive class
CVS-34-15-00008-P	08/25/16	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-34-15-00009-P	08/25/16	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-34-15-00010-P	08/25/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-34-15-00011-P	08/25/16	Jurisdictional Classification	To delete positions from and classify positions in the exempt class
CVS-34-15-00012-P	08/25/16	Jurisdictional Classification	To delete positions from and classify positions in the exempt class
CVS-34-15-00013-P	08/25/16	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-36-15-00001-P	09/08/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-36-15-00002-P	09/08/16	Jurisdictional Classification	To classify positions in the exempt class
CVS-36-15-00003-P	09/08/16	Jurisdictional Classification	To classify positions in the exempt class
CVS-36-15-00004-P	09/08/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-36-15-00005-P	09/08/16	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-36-15-00006-P	09/08/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-36-15-00007-P	09/08/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-36-15-00008-P	09/08/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-36-15-00009-P	09/08/16	Jurisdictional Classification	To classify positions in the exempt class
CVS-36-15-00010-P	09/08/16	Jurisdictional Classification	To classify positions in the exempt class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-36-15-00011-P	09/08/16	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-36-15-00012-P	09/08/16	Jurisdictional Classification	To delete a position from and classify a position in the non-competitive class
CVS-36-15-00013-P	09/08/16	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-36-15-00014-P	09/08/16	Jurisdictional Classification	To delete a position from and classify positions in the non-competitive class
CVS-36-15-00015-P	09/08/16	Jurisdictional Classification	To delete positions/subheadings from and classify positions in the exempt class and delete positions from non-competitive class
CVS-36-15-00016-P	09/08/16	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-36-15-00017-P	09/08/16	Jurisdictional Classification	To classify a position in the exempt class and to delete a position from the non-competitive class
CVS-36-15-00018-P	09/08/16	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-44-15-00004-P	11/03/16	Jurisdictional Classification	To classify a position in the exempt class
CVS-44-15-00005-P	11/03/16	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-44-15-00006-P	11/03/16	Jurisdictional Classification	To classify positions in the exempt class
CVS-44-15-00007-P	11/03/16	Jurisdictional Classification	To classify positions in the exempt class
CVS-44-15-00008-P	11/03/16	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-44-15-00009-P	11/03/16	Jurisdictional Classification	To classify positions in the exempt class
CVS-44-15-00010-P	11/03/16	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-44-15-00011-P	11/03/16	Jurisdictional Classification	To delete a position from and classify positions in the exempt class
CVS-44-15-00012-P	11/03/16	Jurisdictional Classification	To classify a subheading and positions in the non-competitive class
CVS-44-15-00013-P	11/03/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-44-15-00014-P	11/03/16	Jurisdictional Classification	To delete a position from and classify a position in the non-competitive class
CVS-44-15-00015-P	11/03/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-44-15-00016-P	11/03/16	Jurisdictional Classification	To delete a position from and classify a position in the non-competitive class

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CIVIL SERVICE, DEPARTMENT OF			
CVS-44-15-00017-P	11/03/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-44-15-00018-P	11/03/16	Jurisdictional Classification	To classify positions in the exempt class and to classify a position from the non-competitive class
CVS-45-15-00003-P	11/09/16	Jurisdictional Classification	To classify positions in the exempt class
CVS-45-15-00004-P	11/09/16	Jurisdictional Classification	To classify a position in the exempt class
CVS-45-15-00005-P	11/09/16	Jurisdictional Classification	To classify a position in the exempt class
CVS-45-15-00006-P	11/09/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-45-15-00007-P	11/09/16	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-51-15-00002-P	12/22/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-51-15-00003-P	12/22/16	Jurisdictional Classification	To classify a position in the exempt class
CORRECTION, STATE COMMISSION OF			
CMC-45-15-00024-P	11/09/16	Manner in which significant correctional facility incidents are reported to the Commission of Correction	To allow electronic filing of reportable incidents to the Commission of Correction
CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF			
CCS-08-15-00002-P	02/25/16	Rochester Correctional Facility	To correct the address for Rochester Correctional facility
CCS-35-15-00018-P	09/01/16	Applicability of Title and Definitions	Update the Department name and add new definitions
ECONOMIC DEVELOPMENT, DEPARTMENT OF			
EDV-49-15-00002-EP	12/08/16	Employee Training Incentive Program	Establish procedures for the implementation of the Employee Training Incentive Program
EDUCATION DEPARTMENT			
*EDU-48-14-00008-P	12/03/15	Field tests for State assessments, alternate assessments and Regents examinations	To clarify that school districts must administer field tests in the schools for which they are assigned
EDU-10-15-00011-P	03/10/16	Off-premises delivery of prescription medications by New York resident pharmacies	To require pharmacies to obtain patient consent before automatically delivering new or refilled prescriptions
EDU-13-15-00021-P	03/31/16	Supplementary Teaching Certificates in Bilingual Education and English to Speakers of Other Languages (ESOL)	To provide additional pathways for teacher certification candidates to obtain supplementary bilingual education extension and the ESOL supplementary certificate, for a three year period to conclude on June 30, 2018

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
EDU-27-15-00008-ERP	07/07/16	School receivership	To implement Education Law section 211-f, as added by Part EE, Subpart H of Ch. 56 of the Laws of 2015
EDU-27-15-00019-ERP	07/07/16	Annual Professional Performance Reviews of Classroom Teachers and Building Principals	To Implement Subparts D and E of Part EE of Chapter 56 of the Laws of 2015
EDU-40-15-00004-EP	10/06/16	Academic Intervention Services (AIS)	To establish modified requirements for AIS during the 2015-2016 school year
EDU-40-15-00005-EP	10/06/16	Administration of vaccinations by pharmacists, including immunizations to prevent tetanus, diphtheria or pertussis disease	To implement Chapter 46 of the Laws of 2015 to authorize pharmacists to administer tetanus, diphtheria or pertussis vaccinations
EDU-40-15-00007-P	10/06/16	Students with Disabilities Diploma Requirements	To extend to students with disabilities the option to graduate with a Local Diploma via an Appeals Process on Regents examination passing scores
EDU-40-15-00008-P	10/06/16	Mathematics graduation requirements	To provide flexibility in the transition to Common Core-aligned Regents Examinations in Mathematics
EDU-40-15-00009-EP	10/06/16	Graduate-level teacher and educational leadership programs.	To establish minimum admission standards for graduate level teacher and leader preparation programs and requirements
EDU-45-15-00013-EP	11/09/16	New York State Common Core Learning Standards (CCLS)	To provide additional opportunities for students who began grade 9 in 2013 to meet diploma requirements by passing either the Regents comprehensive Examination in English or the Common Core ELA examination at the January 2016 and June 2016 test
EDU-45-15-00014-P	11/30/16	Preschool special education programs and services	To enact requirements relating to appointment of 1:1 aide by Committee on Special Education (CSE); Special Education Itinerant Services (SEIS); related services; and standards for approved preschool providers
EDU-45-15-00015-P	11/09/16	Continuing education requirements for Licensed Marriage and Family Therapists	Implement mandatory continuing education requirements, establish standards for acceptable education and approval of providers
EDU-45-15-00016-P	11/09/16	Continuing education requirements for Licensed Creative Arts Therapists	Implement mandatory continuing education requirements, establish standards for acceptable education and approval of providers
EDU-45-15-00017-P	11/09/16	Continuing education requirements for Licensed Mental Health Counselors	Implement mandatory continuing education requirements, establish standards for acceptable education and approval of providers
EDU-45-15-00018-P	11/09/16	Continuing education requirements for Licensed Psychoanalysts	Implement mandatory continuing education requirements, establish standards for acceptable education and approval of providers
EDU-48-15-00007-EP	12/01/16	Instruction in Cardiopulmonary Resuscitation (CPR) and Use of Automated External Defibrillators (AEDs)	Provide limited exemption to students with disabilities from CPR/AED required instruction
EDU-48-15-00008-P	12/01/16	Licensing Examination Requirements for Dental Hygienists	To address a name-change by the testing agency for Part II of the licensing exam; and remove remedial education requirements

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EDUCATION DEPARTMENT			
EDU-48-15-00009-EP	12/01/16	Extension and expansion of the Collaborative Drug Therapy Management (CDTM) Demonstration Program for Pharmacists	To implement Chapter 238 of the Laws of 2015 to extend and expand the CDTM program for pharmacists
EDU-49-15-00013-P	12/08/16	Voluntary institutional accreditation for Title IV purposes	To clarify existing standards and procedures that must be met by institutions of higher education seeking voluntary accreditation by the Board of Regents and the Commissioner of Education
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
ENV-04-15-00006-P	01/28/16	Regulations governing the recreational harvest of winter flounder	Extend the recreational winter flounder fishing open season from April 1 - May 30 to March 1 - December 31
ENV-19-15-00010-P	05/12/16	Fisher trapping seasons and bag limits and general trapping regulations for furbearers	Revise existing fisher seasons, establish a new season in central/western NY, update and clarify general trapping regulations
ENV-23-15-00008-P	07/28/16	Environmental Remediation - Brownfield Cleanup Program	To amend the Environmental Remediation Program regulations that pertain to the Brownfield Cleanup Program
ENV-24-15-00013-P	06/16/16	Rule making to implement ECL 17-0826-a	To implement the reporting, notification and record keeping requirements of ECL 17-0826-a
ENV-27-15-00004-P	08/23/16	Incorporation by reference of Federal NESHAP and NSPS rules	Incorporation by reference of Federal NESHAP and NSPS
ENV-34-15-00003-P	08/25/16	Sportfishing and associated activities	To revise sportfishing regulations & associated activities including the commercial collection, sale and use of baitfish
ENV-34-15-00028-P	08/25/16	Qualifications for License Issuing Agents and Wildlife Rehabilitators	To remove regulatory requirements that exclude individuals with felonies from obtaining certain licenses and authorizations
ENV-44-15-00001-EP	11/03/16	Sanitary Condition of Shellfish Lands	To reclassify shellfish lands to prohibit the harvest of shellfish
ENV-45-15-00028-P	11/09/16	Science-based State sea-level rise projections	To establish a common source of sea-level rise projections for consideration in relevant programs and decision-making
ENV-50-15-00002-P	12/15/16	The management of black sea bass	Redefine the term trip limit to allow two fishers aboard a single vessel to possess and land the trip limit for black sea bass
ENV-50-15-00003-P	12/15/16	Atlantic Ocean surfclam management	To amend surfclam regulations to provide consistency with management measures of the Fishery Management Plan
ENV-50-15-00010-P	12/15/16	Aquatic Invasive Species Spread Prevention	To require that "reasonable precautions" are taken prior to placing watercraft into public waters to prevent the spread of AIS
ENV-51-15-00004-P	02/10/17	Distributed generation (DG) sources that feed the distribution grid or produce electricity for use at host facilities or both	Establish emission limits for distributed generation sources

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
ENV-51-15-00005-P	12/22/16	Big bore air rifles	To allow big bore air rifles as legal implements for hunting big game
FINANCIAL SERVICES, DEPARTMENT OF			
DFS-18-15-00009-P	05/05/16	Title Insurance Rates, Expenses and Charges	To insure proper, non-excessive rates, compliance with Ins. Law 6409(d), and reasonable charges for ancillary services
DFS-43-15-00004-P	10/27/16	Valuation of Individual and Group Accident and Health Insurance Reserves	To adopt the 2012 Group Long-Term Disability Valuation Table
DFS-50-15-00004-P	12/15/16	Regulating Transaction Monitoring and Filtering Systems maintained by banks, check cashers and money transmitters	To improve efficiency and transparency in the mortgage banker and mortgage broker licensing process
GAMING COMMISSION, NEW YORK STATE			
SGC-39-15-00005-P	09/29/16	Thoroughbred restricted time periods for various drugs	To enhance the integrity and safety of thoroughbred horse racing
SGC-39-15-00006-P	09/29/16	Reimbursement of awards for capital improvement projects at video lottery gaming ("VLG") facilities	Clarify when VLG agent must reimburse State upon divestment of a capital improvement for which capital award was received
SGC-44-15-00019-P	11/03/16	Reporting requirements for a race horse that has been castrated and is classified as a gelding	To ensure that the betting public is properly informed that a race horse that was previously an intact male has been castrated
SGC-46-15-00004-P	11/17/16	To require claimant to indicate on claim form whether commission at claimant's expense shall test a claimed horse for drug use	To preserve the integrity of pari-mutuel racing while generating reasonable revenue for the support of government
SGC-46-15-00007-P	11/17/16	Requirement of specific minimum penalties for certain multiple medication violations	To enhance the integrity and safety of thoroughbred horse racing
SGC-48-15-00006-P	12/01/16	Per Se thresholds and related rule amendments for cobalt, ketoprofen, isoflupredone and albuterol	To preserve the integrity of pari-mutuel racing while generating reasonable revenue for the support of government
HEALTH, DEPARTMENT OF			
*HLT-14-94-00006-P	exempt	Payment methodology for HIV/AIDS outpatient services	To expand the current payment to incorporate pricing for services
HLT-08-15-00003-P	02/25/16	Supplementary Reports of Certain Congenital Anomalies for Epidemiological Surveillance; Filing	To increase maximum age of reporting certain birth defects to the Congenital Malformations Registry
HLT-11-15-00019-P	03/17/16	Standards for Individual Onsite Water Supply and Individual Onsite Wastewater Treatment Systems	Establishes minimum water quality standards for individual onsite water supply systems
HLT-16-15-00014-P	04/21/16	Rate Rationalization – Prevocational Services, Respite, Supported Employment and Residential Habilitation	To establish new rate methodology effective July 1, 2015
HLT-18-15-00008-P	05/05/16	Computed Tomography (CT) Quality Assurance	To protect the public from the adverse effects of ionizing radiation.

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HEALTH, DEPARTMENT OF			
HLT-30-15-00005-P	07/28/16	Practice of radiologic technology	To update regulations related to the practice of radiologic technology
HLT-30-15-00006-P	07/28/16	Medicaid provider enrollment	To make technical, conforming changes to regulations governing the enrollment of Medicaid providers of care, services and supplies
HLT-30-15-00007-P	07/28/16	Reciprocal Emergency Medical Technician Certification Requirements	To replace the emergency medical technician-intermediate category with the advanced emergency medical technician category
HLT-30-15-00008-P	07/28/16	Controlled Substances for EMS Agency Agent and Requirements for an Advanced Life Support System	To amend the regulations regarding the EMS Agency Agent and the Requirements for an Advanced Life Support System
HLT-30-15-00009-P	07/28/16	Requirements for Manufacturers and Distributors Regarding Controlled Substances	To clarify and use language consistent with current terminology used by the State Board of Pharmacy
HLT-34-15-00005-EP	08/25/16	Prohibit Additional Synthetic Cannabinoids	To add additional chemicals to the list of explicitly prohibited synthetic cannabinoids
HLT-39-15-00015-P	09/29/16	Women Infants and Children (WIC) Program Vendor Applicant Enrollment Criteria	To align NYS WIC Program operations with current federal requirements by amending the existing vendor enrollment criteria
HLT-42-15-00016-P	10/20/16	Standards for Adult Homes and Adult Care Facilities Standards for Enriched Housing	Revisions to Parts 487 and 488 in regards to the establishment of the Justice Center for Protection of People with Special Needs
HLT-43-15-00003-P	10/27/16	Immediate Need for Personal Care Services (PCS) and Consumer Directed Personal Assistance (CDPA)	To implement 2015 State law changes regarding Medicaid applicants and recipients with immediate needs for PCS or CDPA
HLT-44-15-00003-P	11/03/16	Transgender Related Care and Services	To amend provisions regarding Medicaid coverage of transition-related transgender care and services
HLT-44-15-00020-P	11/03/16	Statewide Health Information Network for New York (SHIN-NY)	To establish the Statewide Health Information Network for NY (SHIN-NY)
HLT-46-15-00006-P	01/10/17	Early Intervention Program	To conform existing program regulations to federal regulations and state statute
HLT-47-15-00003-P	11/24/16	Sexually Transmitted Diseases (STDs)	Control of Sexually Transmitted Diseases (STDs); Expedited Partner Therapy for Chlamydia Trachomatis Infection
HLT-51-15-00001-P	12/22/16	General Provisions Concerning State Aid Eligibility	To clarify that rent and maintenance of space in lieu of rent (MILOR) remain eligible for State Aid
HLT-51-15-00008-P	12/22/16	Children's Camps	To include camps for children w/ developmental disabilities as a type of facility with in the oversight of the Justice Center
HOMELAND SECURITY AND EMERGENCY SERVICES, DIVISION OF			
HES-32-15-00002-EP	08/11/16	Registration of manufacturers, distributors,wholesalers, various retailers of sparkling devices	Establish the registration process, fees and reporting requirements related to sparkling devices

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HUMAN RIGHTS, DIVISION OF			
HRT-44-15-00033-P	11/03/16	Gender Identity Discrimination	To clarify how gender identity discrimination may constitute either sex or disability discrimination under the Human Rights Law
JUDICIAL CONDUCT, STATE COMMISSION ON			
JDC-47-15-00006-P	11/24/16	Practice of law before the commission	To prohibit the practice of law before the commission, by commission members, their law firms and former commission members
JUSTICE CENTER FOR THE PROTECTION OF PEOPLE WITH SPECIAL NEEDS			
JCP-28-15-00008-EP	07/14/16	Protocols for interviewing service recipients during investigations of abuse or neglect	To enhance protections for people with special needs during investigations of abuse or neglect
LABOR, DEPARTMENT OF			
LAB-21-15-00009-RP	05/26/16	Methods of Payment of Wages	This regulation provides clarification and specification as to the permissible methods of payment, including payroll debit cards
LAW, DEPARTMENT OF			
LAW-42-15-00015-P	10/20/16	Digital Submission Requirements for Cooperative Interests in Realty	To streamline the Department of Law's regulations and internal operations while also reducing transaction costs and paper waste
LAW-47-15-00007-EP	11/24/16	Clarification of Protections for Senior and Disabled Tenants During Condominium or Cooperative Ownership Conversions	To clarify the Martin Act's non-purchasing tenant protections for eligible senior citizens and eligible disabled persons
LAW-49-15-00011-P	12/08/16	Disclosure requirements for condominium offerors renting, rather than selling, unsold condominium units	To clarify a condominium offeror's disclosure obligations in a newly-constructed, vacant, or non-residential condominium
LIQUOR AUTHORITY, STATE			
LQR-34-15-00029-P	08/25/16	Update outdated application procedures and eliminate archaic physical standards for certain licenses types	To update application procedures, codify current online filing practices and eliminate archaic restrictions on certain licenses
LONG ISLAND POWER AUTHORITY			
*LPA-08-01-00003-P	exempt	Pole attachments and related matters	To approve revisions to the authority's tariff
*LPA-41-02-00005-P	exempt	Tariff for electric service	To revise the tariff for electric service
*LPA-04-06-00007-P	exempt	Tariff for electric service	To adopt provisions of a ratepayer protection plan
*LPA-03-10-00004-P	exempt	Residential late payment charges	To extend the application of late payment charges to residential customers
LPA-07-15-00003-P	exempt	The rates and charges set forth in LIPA's Tariff for Electric Service	To set rates and charges at the lowest level consistent with sound fiscal and operating practices and safe and adequate service

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MENTAL HEALTH, OFFICE OF			
OMH-40-15-00010-P	10/06/16	Visitation and Inspection of Facilities	Clarification of the term, "facilities under the jurisdiction of the Office of Mental Health," for purposes of Part 553
OMH-44-15-00002-P	11/03/16	Visitation and Inspection of Facilities	To conform existing regulations to statute and enable external entity to perform reviews and inspections
METROPOLITAN TRANSPORTATION AGENCY			
MTA-50-15-00005-P	12/15/16	MTA Bus Company- Rules and Regulations	Regulate conduct on MTA buses and facilities to enhance safety and protect employees, customers, bus facilities and the public
MOTOR VEHICLES, DEPARTMENT OF			
MTV-46-15-00003-P	11/17/16	Hearings for persons who persistently evade the payment of tolls	To hold hearings for persons subject to a registration suspension due to persistently evading the payment of tolls
NIAGARA FALLS WATER BOARD			
*NFW-04-13-00004-EP	exempt	Adoption of Rates, Fees and Charges	To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders
*NFW-13-14-00006-EP	exempt	Adoption of Rates, Fees and Charges	To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders
PARKS, RECREATION AND HISTORIC PRESERVATION, OFFICE OF			
PKR-47-15-00001-P	11/24/16	Adding windsurfing, sailboarding and paddleboarding to the list of activities regulated by OPRHP	To authorize the regulated activity by the public of windsurfing and stand-up paddleboarding
PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR			
PDD-42-15-00002-P	10/20/16	Article 16 Clinic Services and Independent Practitioner Services for Individuals with Intellectual Disabilities (IPSIDD)	To discontinue off-site Article 16 clinic services and to add requirements for IPSIDD
PDD-48-15-00003-P	12/01/16	Agency Name Change and Terminology Updates	To update the agency name and other terminology in the Title 14 NYCRR Part 600 series
PDD-50-15-00012-P	12/15/16	Amendments to Reimbursement Methodology for Continuing Residential Leases	To make changes concerning reimbursement methodology for lease costs for continuing residential lease arrangements
POWER AUTHORITY OF THE STATE OF NEW YORK			
*PAS-01-10-00010-P	exempt	Rates for the sale of power and energy	Update ECSB Programs customers' service tariffs to streamline them/include additional required information
PAS-42-15-00004-P	exempt	Rates for the Sale of Power and Energy	To recover the Authority's fixed costs

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
POWER AUTHORITY OF THE STATE OF NEW YORK			
PAS-42-15-00005-P	..... exempt	Rates for the Sale of Power and Energy	To align rates and costs
PUBLIC EMPLOYMENT RELATIONS BOARD			
PRB-42-15-00014-P	..... 10/20/16	Rules of Procedure governing matters before the Public Employment Relations Board pursuant to Labor Law, art. 20	To conform procedure under SERA to the 2010 and 2013 statutory changes, and harmonize with PERB rules
PUBLIC SERVICE COMMISSION			
*PSC-28-97-00032-P	..... exempt	General service by Central Hudson Gas & Electric Corporation	To limit certain special provisions
*PSC-34-97-00009-P	..... exempt	Collection agency fees by Consolidated Edison Company of New York, Inc.	To pass collection agency fees on to the customer
*PSC-04-98-00015-P	..... exempt	Interconnection service overcharges by Niagara Mohawk Power Corporation	To consider a complaint by Azure Mountain Power Co.
*PSC-19-98-00008-P	..... exempt	Call forwarding by CPU Industries Inc./MKL Net, et al.	To rehear the petition
*PSC-02-99-00006-EP	..... exempt	Intralata freeze plan by New York Telephone Company	To approve the plan
*PSC-09-99-00012-P	..... exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	..... exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-50-99-00009-P	..... exempt	Retail access uniform business practices by The Brooklyn Union Gas Company and KeySpan Gas East Corporation d/b/a Brooklyn Union of Long Island	To approve a joint petition requesting a waiver extension of a requirement set forth in the commission's order
*PSC-52-99-00006-P	..... exempt	Wide area rate center calling	To implement number conservation measures
*PSC-12-00-00001-P	..... exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-14-00-00004-EP	..... exempt	NXX code in the 716 NPA by Broadview Networks	To assign an NXX code in Buffalo
*PSC-14-00-00026-P	..... exempt	Interconnection agreement between New York Telephone Company d/b/a Bell Atlantic-New York and Media Log, Inc.	To review the terms and conditions of the negotiated agreement
*PSC-14-00-00027-P	..... exempt	Interconnection agreement between New York Telephone Company d/b/a Bell Atlantic-New York and Pilgrim Telephone, Inc.	To review the terms and conditions of the negotiated agreement
*PSC-14-00-00029-P	..... exempt	Interconnection agreement between New York Telephone Company d/b/a Bell Atlantic-New York and CoreComm New York, Inc.	To review the terms and conditions of the negotiated agreement
*PSC-16-00-00012-P exempt	Termination of local telecommunications traffic by Hyperion Communications of New York, Inc.	To determine appropriate compensation levels

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PUBLIC SERVICE COMMISSION			
*PSC-21-00-00007-P exempt	Initial tariff schedule by Drew Road Association	To set forth the rates, charges, rules and regulations
*PSC-31-00-00026-P	..... exempt	Water service by Windover Water Works	To abandon the water system
*PSC-33-00-00010-P	..... exempt	Electric rate and restructuring plan by Rochester Gas and Electric Corporation	To evaluate possible modifications
*PSC-36-00-00039-P	..... exempt	Steam increase by Consolidated Edison Company of New York, Inc.	To provide for an annual increase in the first year of a proposed four-year rate plan
*PSC-37-00-00001-EP	..... exempt	Interruptible gas customers	To ensure customers have an adequate supply of alternative fuel available
*PSC-39-00-00004-P	..... exempt	Blockable central office codes by PaeTec Communications, Inc.	To review the commission's requirements for assignment of numbering resources
*PSC-44-00-00014-P	..... exempt	Recovery of costs through adjustment mechanisms by Consolidated Edison Company of New York, Inc.	To permit the recovery of certain costs
*PSC-49-00-00007-P	..... exempt	Gas sales and purchases by Corning Natural Gas Corporation	To determine whether certain gas sales and purchases were in the public interest and whether customers should bear the resulting costs
*PSC-01-01-00023-P	..... exempt	Installation, maintenance and ownership of service laterals by Rochester Gas and Electric Corporation	To update and clarify the provisions
*PSC-06-01-00009-P	..... exempt	Uniform system of accounts by Rochester Gas and Electric Corporation	To defer an item of expense beyond the end of the year in which it was incurred
*PSC-13-01-00001-P	..... exempt	Request for accounting authorization by Rochester Gas and Electric Corporation	To defer an item of expense beyond the end of the year in which it was incurred
*PSC-13-01-00002-P	..... exempt	Request for accounting authorization by Rochester Gas and Electric Corporation	To defer an item of expense beyond the end of the year in which it was incurred
*PSC-13-01-00003-P	..... exempt	Request for accounting authorization by Rochester Gas and Electric Corporation	To defer an item of expense beyond the end of the year in which it was incurred
*PSC-15-01-00012-P	..... exempt	Transfer of a controlling leasehold interest by Huntley Power LLC	To approve the transfer
*PSC-22-01-00006-P	..... exempt	Con Edison's phase 4 plan for retail access by AES Energy, Inc.	To review the request for rehearing
*PSC-26-01-00012-P	..... exempt	Interconnection of networks between Sprint PCS and Verizon New York Inc.	To review the terms and conditions of the negotiated agreement
*PSC-36-01-00010-P	..... exempt	Competitive metering by eBidenergy.com	To clarify meter ownership rules and requirements
*PSC-44-01-00005-P	..... exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs
*PSC-01-02-00007-P exempt	Accounting and rate treatment of proceeds by Consolidated Edison Company of New York, Inc.	To consider proceeds from sale of nuclear generating facilities

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PUBLIC SERVICE COMMISSION			
*PSC-05-02-00005-P exempt	Uniform system of accounts by Consolidated Edison Company of New York, Inc.	To defer expenditures incurred in connection with emergency response services affected by the World Trade Center disaster
*PSC-06-02-00015-P	..... exempt	Network reliability performance mechanism by Consolidated Edison Company of New York, Inc.	To earn rewards for meeting the targets of the network reliability performance mechanism
*PSC-07-02-00032-P	..... exempt	Uniform business practices	To consider modification
*PSC-29-02-00014-P	..... exempt	Financing by Valley Energy, Inc.	To issue a note and allocate costs
*PSC-49-02-00021-P	..... exempt	Requests for lightened regulation by PSEG Power Bellport, LLC	To consider the company's request
*PSC-08-03-00009-P	..... exempt	Provision of gas service to World Kitchen Incorporated	To establish terms and conditions
*PSC-09-03-00012-P	..... exempt	Incremental service line installations by New York State Electric & Gas Corporation	To revise the current flat rate per foot charged
*PSC-09-03-00014-P	..... exempt	Deferral accounting by Consolidated Edison Company of New York, Inc. and Orange and Rockland Utilities, Inc.	To defer expense items beyond the end of the year(s) in which they were incurred
*PSC-11-03-00012-P	..... exempt	Economic development plan by New York State Electric & Gas Corporation	To consider the plan
*PSC-18-03-00004-P	..... exempt	Lightened regulation by East Hampton Power and Light Corporation (EHPLC)	To provide for lightened regulation and grant financing approval
*PSC-22-03-00020-P	..... exempt	Inter-departmental gas pricing by Consolidated Edison Company of New York, Inc.	To revise the method used in steam and steam-electric generating stations
*PSC-32-03-00020-P	..... exempt	Issuance of debt and approval of surcharge by Rainbow Water Company	To approve necessary financing
*PSC-34-03-00019-P	..... exempt	Issuance of securities by KeySpan East Corporation d/b/a KeySpan Energy Delivery Long Island	To obtain authorization to issue securities
*PSC-35-03-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and MCIMetro Access Transmission Services LLC	To amend the agreement
*PSC-36-03-00010-P	..... exempt	Performance assurance plan by Verizon New York	To consider changes
*PSC-39-03-00013-P	..... exempt	Complaint by State University of New York (SUNY) regarding a NYSEG operating agreement	To consider the complaint
*PSC-40-03-00015-P	..... exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00008-P	..... exempt	Lightened regulation by Sterling Power Partners, L.P.	To consider granting lightened regulation
*PSC-41-03-00010-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-41-03-00011-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-42-03-00005-P	..... exempt	Interest rate by the Bath Electric, Gas, and Water Systems	To use an alternate interest rate
*PSC-43-03-00036-P	..... exempt	Merchant function backout credit and transition balancing account by KeySpan Gas East Corporation	To continue the credit and account until May 31, 2005
*PSC-43-03-00037-P	..... exempt	Merchant function backout credit and transition balancing account by The Brooklyn Union Gas Company	To continue the credit and account until May 31, 2005
*PSC-44-03-00009-P	..... exempt	Retail access data between jurisdictional utilities	To accommodate changes in retail access market structure or commission mandates
*PSC-47-03-00024-P	..... exempt	Lightened regulation and financing approval by Medford Energy LLC	To consider the requests
*PSC-02-04-00008-P	..... exempt	Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York	To rehear the Nov. 25, 2003 order
*PSC-06-04-00009-P	..... exempt	Transfer of ownership interest by SCS Energy LLC and AE Investors LLC	To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC
*PSC-10-04-00005-P	..... exempt	Temporary protective order	To consider adopting a protective order
*PSC-10-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue	To amend the agreement
*PSC-14-04-00008-P	..... exempt	Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds	To submeter gas service to commercial customers located at the Buffalo Speedway
*PSC-15-04-00022-P	..... exempt	Submetering of electricity by Glenn Gardens Associates, L.P.	To permit submetering at 175 W. 87th St., New York, NY
*PSC-21-04-00013-P	..... exempt	Verizon performance assurance plan by Metropolitan Telecommunications	To clarify the appropriate performance level
*PSC-22-04-00010-P	..... exempt	Approval of new types of electricity meters by Powell Power Electric Company	To permit the use of the PE-1250 electronic meter
*PSC-22-04-00013-P	..... exempt	Major gas rate increase by Consolidated Edison Company of New York, Inc.	To increase annual gas revenues
*PSC-22-04-00016-P	..... exempt	Master metering of water by South Liberty Corporation	To waive the requirement for installation of separate water meters
*PSC-25-04-00012-P	..... exempt	Interconnection agreement between Frontier Communications of Ausable Valley, Inc., et al. and Sprint Communications Company, L.P.	To amend the agreement
*PSC-27-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-27-04-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-28-04-00006-P	..... exempt	Approval of loans by Dunkirk & Fredonia Telephone Company and Cassadaga Telephone Corporation	To authorize participation in the parent corporation's line of credit
*PSC-31-04-00023-P	..... exempt	Distributed generation service by Consolidated Edison Company of New York, Inc.	To provide an application form
*PSC-34-04-00031-P	..... exempt	Flat rate residential service by Emerald Green Lake Louise Marie Water Company, Inc.	To set appropriate level of permanent rates
*PSC-35-04-00017-P	..... exempt	Application form for distributed generation by Orange and Rockland Utilities, Inc.	To establish a new supplementary application form for customers
*PSC-43-04-00016-P	..... exempt	Accounts receivable by Rochester Gas and Electric Corporation	To include in its tariff provisions for the purchase of ESCO accounts receivable
*PSC-46-04-00012-P	..... exempt	Service application form by Consolidated Edison Company of New York, Inc.	To revise the form and make housekeeping changes
*PSC-46-04-00013-P	..... exempt	Rules and guidelines governing installation of metering equipment	To establish uniform statewide business practices
*PSC-02-05-00006-P	..... exempt	Violation of the July 22, 2004 order by Dutchess Estates Water Company, Inc.	To consider imposing remedial actions against the company and its owners, officers and directors
*PSC-09-05-00009-P	..... exempt	Submetering of natural gas service by Hamlet on Olde Oyster Bay	To consider submetering of natural gas to a commercial customer
*PSC-14-05-00006-P	..... exempt	Request for deferred accounting authorization by Freeport Electric Inc.	To defer expenses beyond the end of the fiscal year
*PSC-18-05-00009-P	..... exempt	Marketer Assignment Program by Consolidated Edison Company of New York, Inc.	To implement the program
*PSC-20-05-00028-P	..... exempt	Delivery point aggregation fee by Allied Frozen Storage, Inc.	To review the calculation of the fee
*PSC-25-05-00011-P	..... exempt	Metering, balancing and cashout provisions by Central Hudson Gas & Electric Corporation	To establish provisions for gas customers taking service under Service Classification Nos. 8, 9 and 11
*PSC-27-05-00018-P	..... exempt	Annual reconciliation of gas costs by New York State Electric & Gas Corporation	To consider the manner in which the gas cost incentive mechanism has been applied
*PSC-41-05-00013-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries by local distribution companies and municipalities	To consider the filings
*PSC-45-05-00011-P	..... exempt	Treatment of lost and unaccounted gas costs by Corning Natural Gas Corporation	To defer certain costs
*PSC-46-05-00015-P	..... exempt	Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC	To consider the sale

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-47-05-00009-P	..... exempt	Transferral of gas supplies by Corning Natural Gas Corporation	To approve the transfer
*PSC-50-05-00008-P	..... exempt	Long-term debt by Saratoga Glen Hollow Water Supply Corp.	To obtain long-term debt
*PSC-04-06-00024-P	..... exempt	Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc.	To approve of the transfer
*PSC-06-06-00015-P	..... exempt	Gas curtailment policies and procedures	To examine the manner and extent to which gas curtailment policies and procedures should be modified and/or established
*PSC-07-06-00009-P	..... exempt	Modification of the current Environmental Disclosure Program	To include an attributes accounting system
*PSC-22-06-00019-P	..... exempt	Hourly pricing by National Grid	To assess the impacts
*PSC-22-06-00020-P	..... exempt	Hourly pricing by New York State Electric & Gas Corporation	To assess the impacts
*PSC-22-06-00021-P	..... exempt	Hourly pricing by Rochester Gas & Electric Corporation	To assess the impacts
*PSC-22-06-00022-P	..... exempt	Hourly pricing by Consolidated Edison Company of New York, Inc.	To assess the impacts
*PSC-22-06-00023-P	..... exempt	Hourly pricing by Orange and Rockland Utilities, Inc.	To assess the impacts
*PSC-24-06-00005-EP	..... exempt	Supplemental home energy assistance benefits	To extend the deadline to Central Hudson's low-income customers
*PSC-25-06-00017-P	..... exempt	Purchased power adjustment by Massena Electric Department	To revise the method of calculating the purchased power adjustment and update the factor of adjustment
*PSC-34-06-00009-P	..... exempt	Inter-carrier telephone service quality standards and metrics by the Carrier Working Group	To incorporate appropriate modifications
*PSC-37-06-00015-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-37-06-00017-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-39-06-00018-P	..... exempt	Order establishing rate plan by Central Hudson Gas & Electric Corporation and the Consumer Protection Board	To consider the petitions for rehearing
*PSC-39-06-00019-P	..... exempt	Investigation of Richard M. Osborne by Corning Natural Gas Corporation	To determine the interests, plans and commitments that will be in place if he is successful in blocking the merger of Corning Gas and C&T Enterprises
*PSC-39-06-00022-P	..... exempt	Uniform business practices and related matters by U.S. Energy Savings Corporation	To establish a contest period

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-40-06-00005-P	..... exempt	Orion Integral automatic meter reading transmitter by New York State Electric and Gas Corporation	To permit gas utilities in NYS to use the Badger Meter Incorporated Orion Integral transmitters
*PSC-42-06-00011-P	..... exempt	Submetering of electricity by 225 5th LLC	To submeter electricity at 255 Fifth Ave., New York, NY
*PSC-43-06-00014-P	..... exempt	Electric delivery services by Strategic Power Management, Inc.	To determine the proper mechanism for the rate-recovery of costs
*PSC-44-06-00014-P	..... exempt	Electric power outages in Northwest Queens by Consolidated Edison Company of New York, Inc.	To review the terms and conditions of the agreement
*PSC-45-06-00007-P	..... exempt	Alleged failure to provide electricity by Robert Andrews	To assess validity of allegations and appropriateness of fines
*PSC-01-07-00031-P	..... exempt	Enforcement mechanisms by National Fuel Gas Distribution Corporation	To modify enforcement mechanisms
*PSC-04-07-00012-P	..... exempt	Petition for rehearing by Orange and Rockland Utilities, Inc.	To clarify the order
*PSC-06-07-00015-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for electric service
*PSC-06-07-00020-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for gas service
*PSC-11-07-00010-P	..... exempt	Investigation of the electric power outages by the Consolidated Edison Company of New York, Inc.	To implement the recommendations in the staff's investigation
*PSC-11-07-00011-P	..... exempt	Storm-related power outages by Consolidated Edison Company of New York, Inc.	To modify the company's response to power outages, the timing for any such changes and other related matters
*PSC-17-07-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and BridgeCom International, Inc.	To amend the agreement
*PSC-18-07-00010-P	..... exempt	Existing electric generating stations by Independent Power Producers of New York, Inc.	To repower and upgrade existing electric generating stations owned by Rochester Gas and Electric Corporation
*PSC-20-07-00016-P	..... exempt	Tariff revisions and making rates permanent by New York State Electric & Gas Corporation	To seek rehearing
*PSC-21-07-00007-P	..... exempt	Natural Gas Supply and Acquisition Plan by Corning Natural Gas Corporation	To revise the rates, charges, rules and regulations for gas service
*PSC-22-07-00015-P	..... exempt	Demand Side Management Program by Consolidated Edison Company of New York, Inc.	To recover incremental program costs and lost revenue
*PSC-23-07-00022-P	..... exempt	Supplier, transportation, balancing and aggregation service by National Fuel Gas Distribution Corporation	To explicitly state in the company's tariff that the threshold level of elective upstream transmission capacity is a maximum of 112,600 Dth/day of marketer-provided upstream capacity

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-24-07-00012-P	..... exempt	Gas Efficiency Program by the City of New York	To consider rehearing a decision establishing a Gas Efficiency Program
*PSC-39-07-00017-P	..... exempt	Gas bill issuance charge by New York State Electric & Gas Corporation	To create a gas bill issuance charge unbundled from delivery rates
*PSC-41-07-00009-P	..... exempt	Submetering of electricity rehearing	To seek reversal
*PSC-42-07-00012-P	..... exempt	Energy efficiency program by Orange and Rockland Utilities, Inc.	To consider any energy efficiency program for Orange and Rockland Utilities, Inc.'s electric service
*PSC-42-07-00013-P	..... exempt	Revenue decoupling by Orange and Rockland Utilities, Inc.	To consider a revenue decoupling mechanism for Orange and Rockland Utilities, Inc.
*PSC-45-07-00005-P	..... exempt	Customer incentive programs by Orange and Rockland Utilities, Inc.	To establish a tariff provision
*PSC-02-08-00006-P	..... exempt	Additional central office codes in the 315 area code region	To consider options for making additional codes
*PSC-03-08-00006-P	..... exempt	Rehearing of the accounting determinations	To grant or deny a petition for rehearing of the accounting determinations
*PSC-04-08-00010-P	..... exempt	Granting of easement rights on utility property by Central Hudson Gas & Electric Corporation	To grant easement rights to Millennium Pipeline Company, L.L.C.
*PSC-04-08-00012-P	..... exempt	Marketing practices of energy service companies by the Consumer Protection Board and New York City Department of Consumer Affairs	To consider modifying the commission's regulation over marketing practices of energy service companies
*PSC-08-08-00016-P	..... exempt	Transfer of ownership by Entergy Nuclear Fitzpatrick LLC, et al.	To consider the transfer
*PSC-12-08-00019-P	..... exempt	Extend the provisions of the existing electric rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-12-08-00021-P	..... exempt	Extend the provisions of the existing gas rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-13-08-00011-P	..... exempt	Waiver of commission policy and NYSEG tariff by Turner Engineering, PC	To grant or deny Turner's petition
*PSC-13-08-00012-P	..... exempt	Voltage drops by New York State Electric & Gas Corporation	To grant or deny the petition
*PSC-23-08-00008-P	..... exempt	Petition requesting rehearing and clarification of the commission's April 25, 2008 order denying petition of public utility law project	To consider whether to grant or deny, in whole or in part, the May 7, 2008 Public Utility Law Project (PULP) petition for rehearing and clarification of the commission's April 25, 2008 order denying petition of Public Utility Law Project
*PSC-23-08-00009-P	..... exempt	The transfer of certain real property with an original cost under \$100,000 in the Town of Throop	To consider the filing for the transfer of certain real property in the Town of Throop

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-25-08-00007-P	..... exempt	Policies and procedures regarding the selection of regulatory proposals to meet reliability needs	To establish policies and procedures regarding the selection of regulatory proposals to meet reliability needs
*PSC-25-08-00008-P	..... exempt	Report on Callable Load Opportunities	Rider U report assessing callable load opportunities in New York City and Westchester County during the next 10 years
*PSC-28-08-00004-P	..... exempt	Con Edison's procedure for providing customers access to their account information	To consider Con Edison's implementation plan and timetable for providing customers access to their account information
*PSC-31-08-00025-P	..... exempt	Recovery of reasonable DRS costs from the cost mitigation reserve (CMR)	To authorize recovery of the DRS costs from the CMR
*PSC-32-08-00009-P	..... exempt	The ESCO referral program for KEDNY to be implemented by October 1, 2008	To approve, reject or modify, in whole or in part, KEDNY's recommended ESCO referral program
*PSC-33-08-00008-P	..... exempt	Noble Allegany's request for lightened regulation	To consider Noble Allegany's request for lightened regulation as an electric corporation
*PSC-36-08-00019-P	..... exempt	Land Transfer in the Borough of Manhattan, New York	To consider petition for transfer of real property to NYPH
*PSC-39-08-00010-P	..... exempt	RG&E's economic development plan and tariffs	Consideration of the approval of RG&E's economic development plan and tariffs
*PSC-40-08-00010-P	..... exempt	Loans from regulated company to its parent	To determine if the cash management program resulting in loans to the parent should be approved
*PSC-41-08-00009-P	..... exempt	Transfer of control of cable TV franchise	To determine if the transfer of control of Margaretville's cable TV subsidiary should be approved
*PSC-43-08-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-46-08-00008-P	..... exempt	Property transfer in the Village of Avon, New York	To consider a petition for the transfer of street lighting and attached equipment to the Village of Avon, New York
*PSC-46-08-00010-P	..... exempt	A transfer of indirect ownership interests in nuclear generation facilities	Consideration of approval of a transfer of indirect ownership interests in nuclear generation facilities
*PSC-46-08-00014-P	..... exempt	The attachment of cellular antennae to an electric transmission tower	To approve, reject or modify the request for permission to attach cellular antennae to an electric transmission tower
*PSC-48-08-00005-P	..... exempt	A National Grid high efficiency gas heating equipment rebate program	To expand eligibility to customers converting from oil to natural gas
*PSC-48-08-00008-P	..... exempt	Petition for the master metering and submetering of electricity	To consider the request of Bay City Metering, to master meter & submeter electricity at 345 E. 81st St., New York, New York
*PSC-48-08-00009-P exempt	Petition for the submetering of electricity	To consider the request of PCV/ST to submeter electricity at Peter Cooper Village & Stuyvesant Town, New York, New York

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-50-08-00018-P	..... exempt	Market Supply Charge	A study on the implementation of a revised Market Supply Charge
*PSC-51-08-00006-P	..... exempt	Commission's October 27, 2008 Order on Future of Retail Access Programs in Case 07-M-0458	To consider a Petition for rehearing of the Commission's October 27, 2008 Order in Case 07-M-0458
*PSC-51-08-00007-P	..... exempt	Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078	To consider Petitions for rehearing of the Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078
*PSC-53-08-00011-P	..... exempt	Use of deferred Rural Telephone Bank funds	To determine if the purchase of a softswitch by Hancock is an appropriate use of deferred Rural Telephone Bank funds
*PSC-53-08-00012-P	..... exempt	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY
*PSC-53-08-00013-P	..... exempt	To transfer common stock and ownership	To consider transfer of common stock and ownership
*PSC-01-09-00015-P	..... exempt	FCC decision to redefine service area of Citizens/Frontier	Review and consider FCC proposed redefinition of Citizens/Frontier service area
*PSC-02-09-00010-P	..... exempt	Competitive classification of independent local exchange company, and regulatory relief appropriate thereto	To determine if Chazy & Westport Telephone Corporation more appropriately belongs in scenario 1 rather than scenario 2
*PSC-05-09-00008-P	..... exempt	Revenue allocation, rate design, performance metrics, and other non-revenue requirement issues	To consider any remaining non-revenue requirement issues related to the Company's May 9, 2008 tariff filing
*PSC-05-09-00009-P	..... exempt	Numerous decisions involving the steam system including cost allocation, energy efficiency and capital projects	To consider the long term impacts on steam rates and on public policy of various options concerning the steam system
*PSC-06-09-00007-P	..... exempt	Interconnection of the networks between Frontier Comm. and WVT Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier Comm. and WVT Comm.
*PSC-07-09-00015-P	..... exempt	Transfer certain utility assets located in the Town of Montgomery from plant held for future use to non-utility property	To consider the request to transfer certain utility assets located in the Town of Montgomery to non-utility assets
*PSC-07-09-00017-P	..... exempt	Request for authorization to defer the incremental costs incurred in the restoration work resulting from the ice storm	To allow the company to defer the incremental costs incurred in the restoration work resulting from the ice storm
*PSC-07-09-00018-P	..... exempt	Whether to permit the submetering of natural gas service to an industrial and commercial customer at Cooper Union, New York, NY	To consider the request of Cooper Union, to submeter natural gas at 41 Cooper Square, New York, New York
*PSC-12-09-00010-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-12-09-00012-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-13-09-00008-P	..... exempt	Options for making additional central office codes available in the 718/347 numbering plan area	To consider options for making additional central office codes available in the 718/347 numbering plan area

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-14-09-00014-P	..... exempt	The regulation of revenue requirements for municipal utilities by the Public Service Commission	To determine whether the regulation of revenue requirements for municipal utilities should be modified
*PSC-16-09-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of AMPS on behalf of Park Imperial to submeter electricity at 230 W. 56th Street, in New York, New York
*PSC-16-09-00020-P	..... exempt	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity
*PSC-17-09-00010-P	..... exempt	Whether to permit the use of Elster REX2 solid state electric meter for use in residential and commercial accounts	To permit electric utilities in New York State to use the Elster REX2
*PSC-17-09-00011-P	..... exempt	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes
*PSC-17-09-00012-P	..... exempt	Petition for the submetering of gas at commercial property	To consider the request of Turner Construction, to submeter natural gas at 550 Short Ave., & 10 South St., Governors Island, NY
*PSC-17-09-00014-P	..... exempt	Benefit-cost framework for evaluating AMI programs prepared by the DPS Staff	To consider a benefit-cost framework for evaluating AMI programs prepared by the DPS Staff
*PSC-17-09-00015-P	..... exempt	The construction of a tower for wireless antennas on land owned by National Grid	To approve, reject or modify the petition to build a tower for wireless antennas in the Town of Onondaga
*PSC-18-09-00012-P	..... exempt	Petition for rehearing of Order approving the submetering of electricity	To consider the request of Frank Signore to rehear petition to submeter electricity at One City Place in White Plains, New York
*PSC-18-09-00013-P	..... exempt	Petition for the submetering of electricity	To consider the request of Living Opportunities of DePaul to submeter electricity at E. Main St. located in Batavia, New York
*PSC-18-09-00017-P	..... exempt	Approval of an arrangement for attachment of wireless antennas to the utility's transmission facilities in the City of Yonkers	To approve, reject or modify the petition for the existing wireless antenna attachment to the utility's transmission tower
*PSC-20-09-00016-P	..... exempt	The recovery of, and accounting for, costs associated with the Companies' advanced metering infrastructure (AMI) pilots etc	To consider a filing of the Companies as to the recovery of, and accounting for, costs associated with it's AMI pilots etc
*PSC-20-09-00017-P	..... exempt	The recovery of, and accounting for, costs associated with CHG&E's AMI pilot program	To consider a filing of CHG&E as to the recovery of, and accounting for, costs associated with it's AMI pilot program
*PSC-22-09-00011-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-25-09-00005-P	..... exempt	Whether to grant, deny, or modify, in whole or in part, the petition	Whether to grant, deny, or modify, in whole or in part, the petition
*PSC-25-09-00006-P	..... exempt	Electric utility implementation plans for proposed web based SIR application process and project status database	To determine if the proposed web based SIR systems are adequate and meet requirements needed for implementation

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-25-09-00007-P	..... exempt	Electric rates for Consolidated Edison Company of New York, Inc	Consider a Petition for Rehearing filed by Consolidated Edison Company of New York, Inc
*PSC-27-09-00011-P	..... exempt	Interconnection of the networks between Vernon and tw telecom of new york l.p. for local exchange service and exchange access.	To review the terms and conditions of the negotiated agreement between Vernon and tw telecom of new york l.p.
*PSC-27-09-00014-P	..... exempt	Billing and payment for energy efficiency measures through utility bill	To promote energy conservation
*PSC-27-09-00015-P	..... exempt	Interconnection of the networks between Oriskany and tw telecom of new york l.p. for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Oriskany and tw telecom of new york l.p.
*PSC-29-09-00006-P	..... exempt	Petition for the submetering of electricity at a residential senior citizen facility	To consider the request of Shinda Management Corp. to submeter electricity at 107-37 166th Street, Jamaica, New York
*PSC-29-09-00011-P	..... exempt	Consideration of utility compliance filings	Consideration of utility compliance filings
*PSC-32-09-00009-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-34-09-00016-P	..... exempt	Recommendations made in the Management Audit Final Report	To consider whether to take action or recommendations contained in the Management Audit Final Report
*PSC-34-09-00017-P	..... exempt	To consider the transfer of control of Plattsburgh Cablevision, Inc. d/b/a Charter Communications to CH Communications, LLC	To allow the Plattsburgh Cablevision, Inc. to distribute its equity interest in CH Communications, LLC
*PSC-36-09-00008-P	..... exempt	The increase in the non-bypassable charge implemented by RG&E on June 1, 2009	Considering exemptions from the increase in the non-bypassable charge implemented by RG&E on June 1, 2009
*PSC-37-09-00015-P	..... exempt	Sale of customer-generated steam to the Con Edison steam system	To establish a mechanism for sale of customer-generated steam to the Con Edison steam system
*PSC-37-09-00016-P	..... exempt	Applicability of electronic signatures to Deferred Payment Agreements	To determine whether electronic signatures can be accepted for Deferred Payment Agreements
*PSC-39-09-00015-P	..... exempt	Modifications to the \$5 Bill Credit Program	Consideration of petition of National Grid to modify the Low Income \$5 Bill Credit Program
*PSC-39-09-00018-P	..... exempt	The offset of deferral balances with Positive Benefit Adjustments	To consider a petition to offset deferral balances with Positive Benefit Adjustments
*PSC-40-09-00013-P	..... exempt	Uniform System of Accounts - request for deferral and amortization of costs	To consider a petition to defer and amortize costs
*PSC-51-09-00029-P	..... exempt	Rules and guidelines for the exchange of retail access data between jurisdictional utilities and eligible ESCOs	To revise the uniform Electronic Data Interchange Standards and business practices to incorporate a contest period
*PSC-51-09-00030-P	..... exempt	Waiver or modification of Capital Expenditure condition of merger	To allow the companies to expend less funds for capital improvement than required by the merger

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-52-09-00006-P	..... exempt	ACE's petition for rehearing for an order regarding generator-specific energy deliverability study methodology	To consider whether to change the Order Prescribing Study Methodology
*PSC-52-09-00008-P	..... exempt	Approval for the New York Independent System Operator, Inc. to incur indebtedness and borrow up to \$50,000,000	To finance the renovation and construction of the New York Independent System Operator, Inc.'s power control center facilities
*PSC-05-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of University Residences - Rochester, LLC to submeter electricity at 220 John Street, Henrietta, NY
*PSC-05-10-00015-P	..... exempt	Petition for the submetering of electricity	To consider the request of 243 West End Avenue Owners Corp. to submeter electricity at 243 West End Avenue, New York, NY
*PSC-06-10-00022-P	..... exempt	The Commission's Order of December 17, 2009 related to redevelopment of Consolidated Edison's Hudson Avenue generating facility	To reconsider the Commission's Order of December 17, 2009 related to redevelopment of the Hudson Avenue generating facility
*PSC-07-10-00009-P	..... exempt	Petition to revise the Uniform Business Practices	To consider the RESA petition to allow rescission of a customer request to return to full utility service
*PSC-08-10-00007-P	..... exempt	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847
*PSC-08-10-00009-P	..... exempt	Consolidated Edison of New York, Inc. energy efficiency programs	To modify approved energy efficiency programs
*PSC-12-10-00015-P	..... exempt	Recommendations made by Staff intended to enhance the safety of Con Edison's gas operations	To require that Con Edison implement the Staff recommendations intended to enhance the safety of Con Edison's gas operations
*PSC-14-10-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of 61 Jane Street Owners Corporation to submeter Electricity at 61 Jane Street, Manhattan, NY
*PSC-16-10-00005-P	..... exempt	To consider adopting and expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-16-10-00007-P	..... exempt	Interconnection of the networks between TDS Telecom and PAETEC Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between TDS Telecom and PAETEC Communications
*PSC-16-10-00015-P	..... exempt	Interconnection of the networks between Frontier and Choice One Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier and Choice One Communications
*PSC-18-10-00009-P	..... exempt	Electric utility transmission right-of-way management practices	To consider electric utility transmission right-of-way management practices
*PSC-19-10-00022-P	..... exempt	Whether National Grid should be permitted to transfer a parcel of property located at 1 Eddy Street, Fort Edward, New York	To decide whether to approve National Grid's request to transfer a parcel of vacant property in Fort Edward, New York
*PSC-22-10-00006-P	..... exempt	Requirement that Noble demonstrate that its affiliated electric corporations operating in New York are providing safe service	Consider requiring that Noble demonstrate that its affiliated electric corporations in New York are providing safe service

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-22-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of 48-52 Franklin Street to submeter electricity at 50 Franklin Street, New York, New York
*PSC-24-10-00009-P	..... exempt	Verizon New York Inc. tariff regulations relating to voice messaging service	To remove tariff regulations relating to retail voice messaging service from Verizon New York Inc.'s tariff
*PSC-25-10-00012-P	..... exempt	Reassignment of the 2-1-1 abbreviated dialing code	Consideration of petition to reassign the 2-1-1 abbreviated dialing code
*PSC-25-10-00015-P	..... exempt	To allow NYWC to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2009	Consideration of NYWC's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2009
*PSC-27-10-00016-P	..... exempt	Petition for the submetering of electricity	To consider the request of 9271 Group, LLC to submeter electricity at 960 Busti Avenue, Buffalo, New York
*PSC-31-10-00007-P	..... exempt	Waiver of the Attachment 23 requirement in 2001 Rate Order that NMPC Board of Directors consist of "outside directors"	To consider the waiver of the requirement that a majority of NMPC Board of directors consist of "outside directors"
*PSC-34-10-00003-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-34-10-00005-P	..... exempt	Approval of a contract for \$250,000 in tank repairs that may be a financing	To decide whether to approve a contract between the parties that may be a financing of \$250,000 for tank repairs
*PSC-34-10-00006-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-36-10-00010-P	..... exempt	Central Hudson's procedures, terms and conditions for an economic development plan	Consideration of Central Hudson's procedures, terms and conditions for an economic development plan
*PSC-40-10-00014-P	..... exempt	Disposition of a state sales tax refund	To determine how much of a state sales tax refund should be retained by National Grid
*PSC-40-10-00021-P	..... exempt	Whether to permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall	To permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall
*PSC-41-10-00018-P	..... exempt	Amount of hourly interval data provided to Hourly Pricing customers who have not installed a phone line to read meter	Allow Central Hudson to provide less than a years worth of interval data and charge for manual meter reading for some customers
*PSC-41-10-00022-P	..... exempt	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY
*PSC-42-10-00011-P	..... exempt	Petition for the submetering of electricity	To consider the request of 4858 Group, LLC to submeter electricity at 456 Main Street, Buffalo, New York
*PSC-43-10-00016-P	..... exempt	Utility Access to Ducts, Conduit Facilities and Utility Poles	To review the complaint from Optical Communications Group

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-44-10-00003-P	..... exempt	Third and fourth stage gas rate increase by Corning Natural Gas Corporation	To consider Corning Natural Gas Corporation's request for a third and fourth stage gas rate increase
*PSC-51-10-00018-P	..... exempt	Commission proceeding concerning three-phase electric service by all major electric utilities	Investigate the consistency of the tariff provisions for three-phase electric service for all major electric utilities
*PSC-11-11-00003-P	..... exempt	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service
*PSC-12-11-00008-P	..... exempt	To allow NYWC to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2010	Consideration of NYWC's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2010
*PSC-13-11-00005-P	..... exempt	Exclude the minimum monthly bill component from the earnings test calculation	Exclude the minimum monthly bill component from the earnings test calculation
*PSC-13-11-00007-P	..... exempt	Budget allocations and use of System Benefits Charge funds to pay State Cost Recovery Fee	To encourage cost effective gas and electric energy conservation in the State
*PSC-14-11-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of 83-30 118th Street to submeter electricity at 83-30 118th Street, Kew Gardens, New York
*PSC-16-11-00011-P	..... exempt	The Energy Efficiency Portfolio Standard	To promote gas and electricity energy conservation programs in New York
*PSC-19-11-00007-P	..... exempt	Utility price reporting requirements related to the Commission's "Power to Choose" website	Modify the Commission's utility electric commodity price reporting requirements related to the "Power to Choose" website
*PSC-20-11-00012-P	..... exempt	Petition for the submetering of electricity	To consider the request of KMW Group LLC to submeter electricity at 122 West Street, Brooklyn, New York
*PSC-20-11-00013-P	..... exempt	Determining the reasonableness of Niagara Mohawk Power Corporation d/b/a National Grid 's make ready charges	To determine if the make ready charges of Niagara Mohawk Power Corporation d/b/a National Grid are reasonable
*PSC-22-11-00004-P	..... exempt	Whether to permit the use of the Sensus accWAVE for use in residential gas meter applications	To permit gas utilities in New York State to use the Sensus accWAVE diaphragm gas meter
*PSC-23-11-00018-P	..... exempt	NYSERDA's energy efficiency program for low-income customers	To promote energy conservation in New York State
*PSC-26-11-00007-P	..... exempt	Water rates and charges	To approve an increase in annual revenues by about \$25,266 or 50%
*PSC-26-11-00009-P	..... exempt	Petition for the submetering of electricity at commercial property	To consider the request of by Hoosick River Hardwoods, LLC to submeter electricity at 28 Taylor Avenue, in Berlin, New York
*PSC-26-11-00012-P	..... exempt	Waiver of generation retirement notice requirements	Consideration of waiver of generation retirement notice requirements
*PSC-29-11-00011-P	..... exempt	Petition requesting the Commssion reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order.	To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-35-11-00011-P	..... exempt	Whether to permit Consolidated Edison a waiver to commission regulations Part 226.8	Permit Consolidated Edison to conduct a inspection program in lieu of testing the accuracy of Category C meters
*PSC-36-11-00006-P	..... exempt	To consider expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-38-11-00002-P	..... exempt	Operation and maintenance procedures pertaining to steam trap caps	Adopt modified steam operation and maintenance procedures
*PSC-38-11-00003-P	..... exempt	Waiver of certain provisions of the electric service tariffs of Con Edison	Consideration of waiver of certain provisions of the electric service tariffs of Con Edison
*PSC-40-11-00010-P	..... exempt	Participation of regulated local exchange carriers in the New York Data Exchange, Inc. (NYDE)	Whether to partially modify its order requiring regulated local exchange carriers' participation NYDE
*PSC-40-11-00012-P	..... exempt	Granting of transfer of plant in-service to a regulatory asset	To approve transfer and recovery of unamortized plant investment
*PSC-42-11-00018-P	..... exempt	Availability of telecommunications services in New York State at just and reasonable rates	Providing funding support to help ensure availability of affordable telecommunications service throughout New York
*PSC-43-11-00012-P	..... exempt	Transfer of outstanding shares of stock	Transfer the issued outstanding shares of stock of The Meadows at Hyde Park Water-Works Corporation to HPWS, LLC
*PSC-47-11-00007-P	..... exempt	Remedying miscalculations of delivered gas as between two customer classes	Consideration of Con Edison's proposal to address inter-class delivery imbalances resulting from past Company miscalculations
*PSC-48-11-00007-P	..... exempt	Transfer of controlling interests in generation facilities from Dynegy to PSEG	Consideration of the transfer of controlling interests in electric generation facilities from Dynegy to PSEG
*PSC-48-11-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of To Better Days, LLC to submeter electricity at 37 East 4th Street, New York, New York
*PSC-51-11-00010-P	..... exempt	The Total Resource Cost (TRC) test, used to analyze measures in the Energy Efficiency Portfolio Standard program	Petitioners request that the TRC test and/or its application to measures should be revised
*PSC-52-11-00017-P	..... exempt	Reparations and refunds	Reparations and refunds
*PSC-01-12-00007-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-01-12-00008-P	..... exempt	Transfer of real property and easements from NMPNS to NMP3	Consideration of the transfer of real property and easements from NMPNS to NMP3
*PSC-01-12-00009-P	..... exempt	Recovery of expenses related to the expansion of Con Edison's ESCO referral program, PowerMove	To determine how and to what extent expenses related to the Expansion of Con Edison's ESCO referral program should be recovered
*PSC-11-12-00002-P	..... exempt	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-11-12-00005-P	..... exempt	Transfer of land and water supply assets	Transfer the land and associated water supply assets of Groman Shores, LLC to Robert Groman
*PSC-13-12-00005-P	..... exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*PSC-17-12-00007-P	..... exempt	Whether a proposed agreement for the provision of water service by Saratoga Water Services, Inc. is in the public interest	Whether the Commission should issue an order approving the proposed provision of water service
*PSC-17-12-00008-P	..... exempt	Whether a proposed agreement for the provision of water service by Saratoga Water Services, Inc. is in the public interest	Whether the Commission should issue an order approving the proposed provision of water service
*PSC-17-12-00009-P	..... exempt	Whether a proposed agreement for the provision of water service by Saratoga Water Services, Inc. is in the public interest	Whether the Commission should issue an order approving the proposed provision of water service
*PSC-19-12-00019-P	..... exempt	EEPS programs administered by New York State Electric & Gas Corporation and Rochester Gas and Electric Corporation	To modify the C&I sector by combining multiple approved C&I programs into a single C&I program for each PA
*PSC-19-12-00022-P	..... exempt	Approval of a combined heat and power performance program funding plan administered by NYSERDA	Modify NYSERDA's EEPS programs budget and targets to fund the CHP program
*PSC-19-12-00023-P	..... exempt	Petition for approval pursuant to Section 70 for the sale of goods with an original cost of less than \$100,000	To consider whether to grant, deny or modify, in whole or in part, the petition filed by Orange and Rockland Utilities, Inc.
*PSC-21-12-00006-P	..... exempt	Tariff filing requirements and refunds	To determine if certain agreements should be filed pursuant to the Public Service Law and if refunds are warranted
*PSC-21-12-00011-P	..... exempt	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47
*PSC-23-12-00005-P	..... exempt	EEPS multifamily programs administered by Consolidated Edison Company of New York, Inc.	To redesign the multifamily electric and gas programs and modify the budgets and targets
*PSC-23-12-00007-P	..... exempt	The approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility	To consider the approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility
*PSC-23-12-00009-P	..... exempt	Over earnings sharing between rate payers and shareholders	To establish an Earnings Sharing Mechanism to be applied following the conclusion of Corning's rate plan
*PSC-27-12-00012-P	..... exempt	Implementation of recommendations made in a Management Audit Report	To consider implementation of recommendations made in a Management Audit Report
*PSC-28-12-00013-P	..... exempt	Exemption of reliability reporting statistics for the purpose of the 2012 Reliability Performance Mechanism	Consideration of Orange and Rockland Utilities request for exemption of the 2012 reliability reporting statistics
*PSC-29-12-00019-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Hamden to waive certain preliminary franchising procedures to expedite the franchising process.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-30-12-00010-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Andes to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-33-12-00009-P	..... exempt	Telecommunications companies ability to attach to utility company poles	Consideration of Tech Valley's ability to attach to Central Hudson poles
*PSC-35-12-00014-P	..... exempt	To implement an abandonment of White Knight's water system	To approve the implementation of abandonment of White Knight's water system
*PSC-37-12-00009-P	..... exempt	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers
*PSC-42-12-00009-P	..... exempt	Regulation of Gipsy Trail Club, Inc.'s long-term financing agreements	To exempt Gipsy Trail Club, Inc. from Commission regulation of its financing agreements
*PSC-45-12-00008-P	..... exempt	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff
*PSC-45-12-00010-P	..... exempt	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District
*PSC-50-12-00003-P	..... exempt	Affiliate standards for Corning Natural Gas Corporation	To resolve issues raised by Corning Natural Gas Corporation in its petition for rehearing
*PSC-04-13-00006-P	..... exempt	Expansion of mandatory day ahead hourly pricing for customers of Orange and Rockland Utilities with demands above 100 kW	To consider the expansion of mandatory day ahead hourly pricing for customers with demands above 100 kW
*PSC-04-13-00007-P	..... exempt	Authorization to transfer certain real property.	To decide whether to approve the transfer of certain real property.
*PSC-06-13-00008-P	..... exempt	Verizon New York Inc.'s retail service quality	To investigate Verizon New York Inc.'s retail service quality
*PSC-08-13-00012-P	..... exempt	Filing requirements for certain Article VII electric facilities	To ensure that applications for certain electric transmission facilities contain pertinent information
*PSC-08-13-00014-P	..... exempt	Uniform System of Accounts - Request for Accounting Authorization	To allow the company to defer an item of expense or capital beyond the end of the year in which it was incurred
*PSC-12-13-00007-P	..... exempt	Protecting company water mains	To allow the company to require certain customers to make changes to the electrical grounding system at their homes
*PSC-13-13-00008-P	..... exempt	The potential waiver of 16 NYCRR 255.9221(d) completion of integrity assessments for certain gas transmission lines.	To determine whether a waiver of the timely completion of certain gas transmission line integrity assessments should be granted.
*PSC-14-13-00005-P	..... exempt	Recovery of incremental expense.	To consider petition for recovery of incremental expense.
*PSC-17-13-00008-P	..... exempt	Provision of historical utility pricing information for comparison purposes for residential ESCO customers	Provision of historical utility pricing information for comparison purposes for residential ESCO customers

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-17-13-00010-P	..... exempt	Provision of historical pricing information for comparison purposes for residential ESCO customers	Provision of historical pricing information for comparison purposes for residential ESCO customers
*PSC-18-13-00007-P	..... exempt	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes
*PSC-21-13-00003-P	..... exempt	To consider policies that may impact consumer acceptance and use of electric vehicles	To consider and further develop policies that may impact consumer acceptance and use of electric vehicles
*PSC-21-13-00005-P	..... exempt	To implement an abandonment of Windover's water system	To approve the implementation of abandonment of Windover's water system
*PSC-21-13-00008-P	..... exempt	Rates of National Fuel Gas Distribution Corporation	To make the rates of National Fuel Gas Distribution Corporation temporary, subject to refund, if they are found to be excessive
*PSC-21-13-00009-P	..... exempt	Reporting requirements for natural gas local distribution companies	To help ensure efficient and economic expansion of the natural gas system as appropriate
*PSC-22-13-00009-P	..... exempt	On remand from New York State court litigation, determine the recovery of certain deferred amounts owed NFG by ratepayers	On remand, to determine the recovery of certain deferral amounts owed NFG from ratepayers
*PSC-23-13-00005-P	..... exempt	Waiver of partial payment, directory database distribution, service quality reporting, and service termination regulations	Equalize regulatory treatment based on level of competition and practical considerations
*PSC-24-13-00009-P	..... exempt	Repowering options for the Cayuga generating station located in Lansing, New York, and alternatives	To establish whether utility plans should include repowering options for the Cayuga generating station, or other alternatives
*PSC-24-13-00010-P	..... exempt	Repowering options for the Dunkirk generating station located in Dunkirk, New York, and alternatives	To establish whether utility plans should include repowering options for the Dunkirk generating station, or other alternatives
*PSC-25-13-00008-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-25-13-00009-P	..... exempt	Provision by utilities of natural gas main and service lines.	To help ensure efficient and economic expansion of the natural gas system as appropriate.
*PSC-25-13-00011-P	..... exempt	Waiver of certain Commission requirements related to provision of customer information to credit reporting agencies.	To waive a utility's right to provide information to credit reporting agencies related to customers' payment histories.
*PSC-25-13-00012-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-27-13-00014-P	..... exempt	Columbia Gas Transmission Corporation Cost Refund	For approval for temporary waiver of tariff provisions regarding its Columbia Gas Transmission Corporation cost refund.
*PSC-28-13-00014-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-28-13-00016-P	..... exempt	The request of NGT for lightened regulation as a gas corporation.	To consider whether to approve, reject, or modify the request of Niagara gas transport of Lockport, NY LLC.
*PSC-28-13-00017-P	..... exempt	The request by TE for waiver of regulations requiring that natural gas be odorized in certain gathering line segments	Consider the request by TE for waiver of regulations that gas be odorized in certain lines
*PSC-32-13-00009-P	..... exempt	To consider the definition of “misleading or deceptive conduct” in the Commission’s Uniform Business Practices	To consider the definition of “misleading or deceptive conduct” in the Commission’s Uniform Business Practices
*PSC-32-13-00010-P	..... exempt	Permission to write off and eliminate record keeping for regulatory reserves for Pensions and Other Post Retirement Benefits	To allow write off and eliminate record keeping of Pension and Other Post Retirement Benefits Reserves
*PSC-32-13-00012-P	..... exempt	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion
*PSC-33-13-00027-P	..... exempt	Waive underground facility requirements for new construction in residential subdivisions to allow for overhead electric lines.	Determine whether Chapin Lumberland, LLC subdivision will be allowed overhead electric distribution and service lines.
*PSC-33-13-00029-P	..... exempt	Deferral of incremental costs associated with the restoration of steam service following Superstorm Sandy.	To consider a petition by Con Edison to defer certain incremental steam system restoration costs relating to Superstorm Sandy.
*PSC-34-13-00004-P	..... exempt	Escrow account and surcharge to fund extraordinary repairs	To approve the establishment of an escrow account and surcharge
*PSC-37-13-00007-P	..... exempt	Dissolution of Garrow Water Works Company, Inc..	To allow for the dissolution of Garrow Water Works Company, Inc.
*PSC-39-13-00010-P	..... exempt	NY-Sun initiative within the Customer-Sited Tier of the RPS Program.	To increase the statewide adoption of customer sited photovoltaic solar generation through the NY-Sun Initiative.
*PSC-42-13-00013-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-42-13-00015-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-43-13-00015-P	..... exempt	Petition for submetering of electricity	To consider the request of 2701 Kingsbridge Terrace L.P. to submeter electricity at 2701 Kingsbridge Terrace, Bronx, N.Y.
*PSC-45-13-00021-P	..... exempt	Investigation into effect of bifurcation of gas and electric utility service on Long Island.	To consider a Petition for an investigation into effect of bifurcation of gas and electric utility service on Long Island.
*PSC-45-13-00022-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00023-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00024-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4); waiver of filing deadlines.	To consider a waiver of certain regulations relating to the content of an application for transmission line siting

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-45-13-00025-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-47-13-00009-P	..... exempt	Petition for submetering of electricity.	To consider the request of Hegeman Avenue Housing L.P. to submeter electricity at 39 Hegeman Avenue, Brooklyn, N.Y.
*PSC-47-13-00012-P	..... exempt	Conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.	Consideration of conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.
*PSC-49-13-00008-P	..... exempt	Authorization to transfer all of Crystal Water Supply Company, Inc. stocks to Essel Infra West Inc.	To allow Crystal Water Supply Company, Inc to transfer all of its issued and outstanding stocks to Essel Infra West Inc.
*PSC-51-13-00009-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00010-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00011-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-52-13-00012-P	..... exempt	The development of reliability contingency plan(s) to address the potential retirement of Indian Point Energy Center (IPEC).	To address the petition for rehearing and reconsideration/motion for clarification of the IPEC reliability contingency plan(s).
*PSC-52-13-00015-P	..... exempt	To enter into a loan agreement with the banks for up to an amount of \$94,000.	To consider allowing Knolls Water Company to enter into a long-term loan agreement.
*PSC-01-14-00017-P	..... exempt	Residential Time-of-Use Rates	To establish residential optional time of use delivery and commodity rates
*PSC-03-14-00009-P	..... exempt	disposition of tax refunds and other related matters	to determine the disposition of tax refunds and other related matters
*PSC-04-14-00005-P	..... exempt	National Fuel Gas Corporation's Conservation Incentive Programs.	To modify National Fuel Gas Corporation's Non-Residential Conservation Incentive Program.
*PSC-05-14-00010-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-07-14-00008-P	..... exempt	Petition for submetering of electricity	To consider the request of Greater Centennial Homes HDFC, Inc. to submeter electricity at 102, 103 and 106 W 5th Street, et al.
*PSC-07-14-00012-P	..... exempt	Water rates and charges	Implementation of Long-Term Water Supply Surcharge to recover costs associated with the Haverstraw Water Supply Project
*PSC-08-14-00015-P	..... exempt	Verizon New York Inc.'s service quality and Customer Trouble Report Rate (CTRR) levels at certain central office entities	To improve Verizon New York Inc.'s service quality andthe Customer Trouble Report Rate levels at certain central office entities

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-10-14-00006-P	..... exempt	Actions to facilitate the availability of ESCO value-added offerings, ESCO eligibility and ESCO compliance	To facilitate ESCO value-added offerings and to make changes to ESCO eligibility and to ensure ESCO compliance
*PSC-11-14-00003-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-16-14-00014-P	..... exempt	Whether to order NYSEG to provide gas service to customers when an expanded CPCN is approved and impose PSL 25-a penalties.	To order gas service to customers in the Town of Plattsburgh after approval of a town wide CPCN and to impose penalties.
*PSC-16-14-00015-P	..... exempt	Whether Central Hudson should be permitted to defer obligations of the Order issued on October 18, 2013 in Case 13-G-0336.	Consideration of the petition by Central Hudson to defer reporting obligations of the October 18, 2013 Order in Case 13-G-0336
*PSC-16-14-00016-P	..... exempt	Waiver of Commission regulations governing termination of service.	Consider United Water New York Inc.'s proposal to expand termination of service provisions.
*PSC-17-14-00003-P	..... exempt	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism
*PSC-17-14-00004-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00007-P	..... exempt	To consider petitions for rehearing, reconsideration and/or clarification	To consider petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00008-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-19-14-00014-P	..... exempt	Market Supply Charge	To make tariff revisions to the Market Supply Charge for capacity related costs
*PSC-19-14-00015-P	..... exempt	Whether to permit the use of the Sensus accuWAVE for use in residential and commercial gas meter applications	To permit gas utilities in New York State to use the Sensus accuWAVE 415TC gas meter
*PSC-19-14-00018-P	..... exempt	Uniform System of Accounts, deferral of an expense item	Authorization of a deferral for an expense item beyond the end of the year in which it was incurred
*PSC-22-14-00013-P	..... exempt	Petition to transfer and merge systems, franchises and assets.	To consider the Comcast and Time Warner Cable merger and transfer of systems, franchises and assets.
*PSC-23-14-00010-P	..... exempt	Whether to permit the use of the GE Dresser Series B3-HPC 11M-1480 rotary gas met for use in industrial gas meter applications	To permit gas utilities in New York State to use the GE Dresser Series B3-HPC 11M-1480 rotary gas meter
*PSC-23-14-00014-P	..... exempt	Waiver of the negative revenue adjustment associated with KEDLI's 2013 Customer Satisfaction Performance Metric	Consideration of KEDLI's waiver request pertaining to its 2013 performance under its Customer Satisfaction Metric
*PSC-24-14-00004-P	..... exempt	Approval of asset transfer.	To allow or disallow transfer of assets from Heritage Hills Water Works Corp. to Community Utilities of New York, Inc.
*PSC-24-14-00005-P	..... exempt	To examine LDC's performance and performance measures.	To improve gas safety performance.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-25-14-00015-P	..... exempt	Surcharges related to the System Benefits Charge, Energy Efficiency Portfolio Standard, Retail Renewable Portfolio Standard	To reduce the public benefit surcharge applicable to large industrial, commercial and institutional energy consumers
*PSC-26-14-00010-P	..... exempt	Petitioner requests an order authorizing its participation in the next Main Tier solicitation offered under the RPS Program.	To enable continued operation of a 21 MW biomass fueled electric generating facility in Chateaugay, New York.
*PSC-26-14-00013-P	..... exempt	Waiver of RG&E's tariffed definition of emergency generator.	To consider waiver of RG&E's tariffed definition of emergency generator.
*PSC-26-14-00017-P	..... exempt	Existing ratemaking and rate design practices will be revised with a focus on outcomes and incentives.	To use the Commission's ratemaking authority to foster a DER-intensive system.
*PSC-26-14-00020-P	..... exempt	New electric utility backup service tariffs and standards for interconnection may be adopted.	To encourage development of microgrids that enhance the efficiency, safety, reliability and resiliency of the electric grid.
*PSC-26-14-00021-P	..... exempt	Consumer protections, standards and protocols pertaining to access to customer data may be established.	To balance the need for the information necessary to support a robust market with customer privacy concerns.
*PSC-28-14-00014-P	..... exempt	Petition to transfer systems, franchises and assets.	To consider the Comcast and Charter transfer of systems, franchise and assets.
*PSC-30-14-00023-P	..... exempt	Whether to permit the use of the Sensus iPERL Fire Flow Meter.	Pursuant to 16 NYCRR Part 500.3 , it is necessary to permit the use of the Sensus iPERL Fire Flow Meter.
*PSC-30-14-00025-P	..... exempt	Allocation of uncommitted Technology and Market Development Funds to the Combined Heat & Power Performance Program.	To consider allocation of uncommitted Technology & Market Development Funds to the Combined Heat & Power Performance Program.
*PSC-30-14-00026-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of Renaissance Corporation of to master meter electricity at 100 Union Drive,Albany, NY.
*PSC-31-14-00004-P	..... exempt	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross
*PSC-32-14-00009-P	..... exempt	Refueling options for the Dunkirk generating station located in Dunkirk, New York, and alternatives	To address the joint petition for rehearing of the Commission's Order related to refueling the Dunkirk generating station
*PSC-32-14-00012-P	..... exempt	Whether to grant or deny, in whole or in part, the Connect New York Coalition's petition	To consider the Connect New York Coalition's petition seeking a formal investigation and hearings
*PSC-34-14-00009-P	..... exempt	Whether to approve the Quadlogic S10N residential submeter.	Approval of the Quadlogic S10N Smart Meter for use in residential electric submetering is required by 16 NYCRR Parts 93 and 96.
*PSC-35-14-00004-P	..... exempt	Regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY	To consider regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY
*PSC-35-14-00005-P	..... exempt	Whether to permit the use of the Sensus iConA electric meter	Pursuant to 16 NYCRR Parts 92 and 93, Commission approval is necessary to permit the use of the Sensus iConA electric meter

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-36-14-00009-P	..... exempt	Modification to the Commission's Electric Safety Standards.	To consider revisions to the Commission's Electric Safety Standards.
*PSC-36-14-00010-P	..... exempt	The procurement of Main Tier renewable resources will become the responsibility of the State's electric utilities.	To ensure the development of large-scale renewables in New York State to promote fuel diversity and reduce carbon emissions.
*PSC-36-14-00011-P	..... exempt	To defer pension settlement losses associated with retirements in the year ended March 31, 2014.	To resolve the ratemaking of the pension settlement loss.
*PSC-38-14-00003-P	..... exempt	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.
*PSC-38-14-00004-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00005-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-38-14-00007-P	..... exempt	Whether to expand Con Edison's low income program to include Medicaid recipients.	Whether to expand Con Edison's low income program to include Medicaid recipients.
*PSC-38-14-00008-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00010-P	..... exempt	Inter-carrier telephone service quality standard and metrics and administrative changes.	To review recommendations from the Carrier Working Group and incorporate appropriate modifications to the existing Guidelines.
*PSC-38-14-00012-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-38-14-00018-P	..... exempt	New electric utility demand response tariffs may be adopted.	To develop mature DER markets by enabling the development and use of DR as an economic system resource.
*PSC-39-14-00020-P	..... exempt	Whether to permit the use of the Mueller Systems 400 Series and 500 Series of water meters	Pursuant to 16 NYCRR section 500.3, whether to permit the use of the Mueller Systems 400, and 500 Series of water meters
*PSC-40-14-00008-P	..... exempt	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.
*PSC-40-14-00009-P	..... exempt	Whether to permit the use of the Itron Open Way Centron Meter with Hardware 3.1 for AMR and AML functionality.	Pursuant to 16 NYCRR Parts 93, is necessary to permit the use of the Itron Open Way Centron Meter with Hardware 3.1.
*PSC-40-14-00011-P	..... exempt	Late Payment Charge.	To modify Section 7.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-40-14-00013-P	..... exempt	Regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.	To consider regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-40-14-00014-P	..... exempt	Waiver of 16 NYCRR Sections 894.1 through 894.4(b)(2)	To allow the Town of Goshen, NY, to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-40-14-00015-P	..... exempt	Late Payment Charge.	To modify Section 6.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-41-14-00009-P	..... exempt	Establishment of a Clean Energy Fund and related actions	Consideration of proposal by NYSDERDA for the establishment of a Clean Energy Fund and related actions
*PSC-41-14-00011-P	..... exempt	Establishment of annual collections caps and collection and spending mechanisms as described in the Clean Energy Fund Proposal	Consideration of proposal by NYSDERDA for the establishment of annual collections caps and collection and spending mechanisms
*PSC-41-14-00012-P	..... exempt	Funding and management of the NY-Sun program as described in the Clean Energy Fund Proposal	Consideration of proposal by NYSDERDA for the funding and management of the NY-Sun program
*PSC-41-14-00013-P	..... exempt	Funding and management of the New York Green Bank as described in the Clean Energy Fund Proposal and NY Green Bank Petition	Consideration of proposal by NYSDERDA for the funding and management of the New York Green Bank
*PSC-41-14-00014-P	..... exempt	Funding and management of a Market Development program as described in the Clean Energy Fund Proposal	Consideration of proposal by NYSDERDA for the funding and management of a Market Development program
*PSC-41-14-00015-P	..... exempt	Funding and management of a Technology and Business Innovation program as described in the Clean Energy Fund Proposal	Consideration of proposal by NYSDERDA for the funding and management of a Technology and Business Innovation program
*PSC-42-14-00003-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-42-14-00004-P	..... exempt	Winter Bundled Sales Service Option	To modify SC-11 to remove language relating to fixed storage charges in the determination of the Winter Bundled Sales charge
*PSC-45-14-00003-P	..... exempt	Notice of Intent to Submeter electricity	To consider the request of Bedford-Stuyvesant South One LLC to submeter electricity at 27 Albany Avenue, Brooklyn, NY
*PSC-48-14-00014-P	..... exempt	Considering the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.	To consider the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.
PSC-51-14-00006-P	..... exempt	The Northeast Power Coordinating Council, Inc's A-Criteria documents and Criteria	To adopt revisions to various rules and measurements of the Northeast Power Coordinating Council, Inc.
PSC-52-14-00019-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of 614 South Crouse Avenue, LLC to master meter electricity at 614 South Crouse Avenue, Syracuse, NY..
PSC-52-14-00026-P	..... exempt	Community Choice Aggregation.	To consider action related to Community Choice Aggregation.
PSC-01-15-00014-P	..... exempt	State Universal Service Fund Disbursements	To consider Edwards Telephone Company's request for State Universal Service Fund disbursements

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-01-15-00017-P	..... exempt	Reimbursement of costs for construction under 16 NYCRR 230	To determine proper reimbursement for costs related to trenching and construction
PSC-03-15-00002-P	..... exempt	Waiver of tariff provisions related to SC 14 Non-Core Transportation Services for Electric Generation	To determine whether a waiver is warranted
PSC-03-15-00003-P	..... exempt	To allow residential customers to opt out of AMR metering for gas and make other tariff changes related to gas metering	To allow residential customers to opt out of AMR metering for gas and make other tariff changes related to gas metering
PSC-03-15-00004-P	..... exempt	To allow residential customers a one time election to opt out of AMR metering and make other tariff changes related to metering	To allow residential customers a one time election to opt out of AMR metering and make other changes related to metering
PSC-04-15-00008-P	..... exempt	Re-billing SC No. 2 customers from March 2008 through March 2014.	To determine whether re-billing SC No. 2 customers by the Companies' proposed methodology customers is appropriate.
PSC-04-15-00010-P	..... exempt	To modify the retail access program under SC No. 19 - Seller Transportation Aggregation Service.	To modify the retail access program to implement Tier 2A - Storage Capacity Release and make other tariff changes.
PSC-04-15-00011-P	..... exempt	To modify the retail access program under SC No. 8 - Seller Services.	To modify the retail access program to implement Tier 2A - Storage Capacity Release and make other tariff changes.
PSC-04-15-00012-P	..... exempt	Disposition of tax refunds and other related matters.	To determine the disposition of tax refunds and other related matters.
PSC-06-15-00003-P	..... exempt	Petition for submetering of electricity	To consider the request of City Point Residential LLC, to submeter electricity at 366 Flatbush Avenue Ext, Brooklyn, New York
PSC-07-15-00006-P	..... exempt	Whether to order a remand regarding payphone rates	Whether to order a remand regarding payphone rates and award refunds
PSC-08-15-00009-P	..... exempt	Approval of a surcharge.	To allow or disallow Emerald Green Lake Louise Marie Water Company, Inc. for a surcharge.
PSC-08-15-00010-P	..... exempt	Request pertaining to the lawfulness of National Grid USA continuing its summary billing program.	To grant, deny, or modify URAC Rate Consultants' request that National Grid cease its summary billing program.
PSC-10-15-00007-P	..... exempt	Notification concerning tax refunds	To consider Verizon New York Inc.'s partial rehearing or reconsideration request regarding retention of property tax refunds
PSC-10-15-00008-P	..... exempt	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes
PSC-10-15-00009-P	..... exempt	Contingency Tariffs regarding demand response issues	To consider Contingency Tariffs regarding demand response issues
PSC-10-15-00010-P	..... exempt	Notification concerning tax refunds	To consider Verizon New York Inc.'s request to retain a portion of a property tax refund
PSC-12-15-00007-P	..... exempt	The Annual Reconciliation of Gas Expenses and Gas Cost Recoveries codified at Title 16 NYCRR Section 720.6.5	Examine the Annual Reconciliation of Gas Expenses and Gas Cost Recoveries mechanism

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-12-15-00008-P	..... exempt	Minor electric rate filing	To approve an increase in annual electric revenues by approximately \$299,966 or 3.2%
PSC-13-15-00024-P	..... exempt	Whether Leatherstocking should be permitted to recover a shortfall in earnings	To decide whether to approve Leatherstocking's request to recover a shortfall in earnings
PSC-13-15-00026-P	..... exempt	Whether to permit the use of the Sensus Smart Point Gas AMR/AMI product	To permit the use of the Sensus Smart Point Gas AMR/AMI product
PSC-13-15-00027-P	..... exempt	Whether to permit the use of the Measurlogic DTS 310 electric submeter	To permit the use of the Measurlogic DTS 310 submeter
PSC-13-15-00028-P	..... exempt	Whether to permit the use of the SATEC EM920 electric meter	To permit necessary to permit the use of the SATEC EM920 electric meter
PSC-13-15-00029-P	..... exempt	Whether to permit the use the Triacta Power Technologies 6103, 6112, 6303, and 6312 electric submeters	To permit the use of the Triacta submeters
PSC-15-15-00005-P	..... exempt	The approval of Artech's Medium Voltage Class Metering Instrument Transformers in New York State	Whether to approve the use of Artech's Medium Voltage Class Metering Instrument Transformers in New York State
PSC-15-15-00007-P	..... exempt	Notification concerning tax refunds	To consider Verizon New York Inc.'s request to retain a portion of a property tax refund
PSC-15-15-00008-P	..... exempt	Minor electric rate filing	To approve an increase in annual electric revenues by approximately \$1,197,760 or 2.48%
PSC-16-15-00010-P	..... exempt	The submetering of electric service at 325 Lexington Avenue, New York, NY 10016	Whether to authorize the submetering of electric service at 325 Lexington Avenue, New York, NY 10016
PSC-17-15-00004-P	..... exempt	Rehearing of the Commission's Order Adopting Regulatory Policy Framework and Implementation Plan	Consideration of a petition for rehearing
PSC-17-15-00005-P	..... exempt	The submetering of electricity	To consider the request of Cottage Street Apartments, LLC, to submeter electricity at 31 Cottage Street, Troy, New York
PSC-17-15-00006-P	..... exempt	Petition to submeter electricity	To consider the request of 56th and Park (NY) LLC, to submeter electricity at 432 Park Avenue, New York, New York
PSC-17-15-00007-P	..... exempt	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million
PSC-17-15-00009-P	..... exempt	To make clarifying tariff revisions	For approval to make clarifying revisions to Rule 28 - Special Services Performed by Company at a Charge
PSC-18-15-00004-P	..... exempt	National Grid's electric Economic Development Programs	To revise the economic development assistance to qualified businesses
PSC-18-15-00005-P	..... exempt	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-18-15-00006-P	..... exempt	Proposed Targeted Demand Management (TDM) Program and REV Demonstration Projects Cost Recovery and Incentive Mechanisms	To effectuate the TDM Program and to establish incentives and cost recovery for the TDM program and REV Demonstration Projects
PSC-18-15-00007-P	..... exempt	National Grid's Economic Development Programs	To authorize a new economic development program for National Grid's natural gas service territory
PSC-19-15-00011-P	..... exempt	Gas Safety Performance Measures and associated negative revenue adjustments	To update the performance measures applicable to KeySpan Gas East Corporation d/b/a National Grid
PSC-19-15-00015-P	..... exempt	To consider the request of Hudson CBD Flatbush LLC to submeter electricity at 626 Flatbush Avenue, Brooklyn, New York	To consider the request of Hudson CBD Flatbush LLC to submeter electricity at 626 Flatbush Avenue, Brooklyn, New York
PSC-20-15-00006-P	..... exempt	Implementation of the proposed Microgrid Business Model as a reliability and demand management resource	Consider implementation of the proposed Microgrid Business Model as a reliability and demand management resource
PSC-20-15-00008-P	..... exempt	Petition for rehearing and/or clarification of the Commission's Order, issued in Case 13-W-0246	To consider the petition for rehearing and/or clarification filed by the Town of Ramapo
PSC-21-15-00007-P	..... exempt	Whether Bath should be permitted to recover purchased gas costs, interest and consulting fees from its ratepayers	Whether Bath should be permitted to recover purchased gas costs, interest and consulting fees from its ratepayers
PSC-22-15-00015-P	..... exempt	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)
PSC-23-15-00005-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
PSC-23-15-00006-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
PSC-23-15-00007-P	..... exempt	Notice of Intent to Submeter electricity	To consider the request of 200 W. 54 Corp. to submeter electricity at 200 West 54th Street, New York, New York
PSC-24-15-00011-P	..... exempt	To consider adopting the recommendations of the Staff Report on addressing energy affordability for low income programs	To consider the Staff Report on, and recommendations of, best practices for implementing utility low income programs
PSC-25-15-00007-P	..... exempt	Waiver of certain Commission requirements related to blocking caller ID for emergency services	To allow a non-profit entity acting as an emergency service the ability to receive unblocked caller ID numbers
PSC-25-15-00008-P	..... exempt	Notice of Intent to Submeter electricity.	To consider the request of 165 E 66 Residences, LLC to submeter electricity at 165 East 66th Street, New York, New York.
PSC-25-15-00010-P	..... exempt	Notice of Intent to Submeter electricity	To consider the request of 250 West Street Condominium to submeter electricity at 250 West Street, New York, New York
PSC-26-15-00014-P	..... exempt	To consider the request for partial waiver of the energy audit requirements in 16 NYCRR Section 96.5(k)	To consider the request for partial waiver of the energy audit requirements in 16 NYCRR Section 96.5(k)

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-26-15-00016-P	..... exempt	Petition to Submeter electricity	To consider the request of 39 Plaza Housing Corporation to submeter electricity at 39 Plaza Street West, Brooklyn, New York
PSC-27-15-00011-P	..... exempt	Repowering options for the Cayuga Generating Facility located in Lansing, New York, and other alternatives	To establish whether utility plans should include repowering the Cayuga Generating Facility, or other alternatives
PSC-27-15-00012-P	..... exempt	Consideration of The Brooklyn Union Gas Company's petition seeking authority to issue long-term debt up to \$2.22 billion	To consider the petition of The Brooklyn Gas Company seeking authority to issue long-term debt up to \$2.22 billion
PSC-27-15-00014-P	..... exempt	Authorization for NYAW to accrue interest on internal reserve debit balances	To allow NYAW to accrue interest on internal reserve debit balances
PSC-27-15-00015-P	..... exempt	Consideration of KeySpan Gas East Corporation's petition seeking authority to issue long-term debt up to \$1.35 billion	To consider the petition of KeySpan Gas East Corporation seeking authority to issue long-term debt up to \$1.35 billion
PSC-27-15-00017-P	..... exempt	To issue long-term indebtedness, preferred stock and hybrid securities and to enter into derivative instruments	To allow or disallow Rochester Gas and Electric Corporation to finance transactions for purposes authorized under PSL Section 69
PSC-28-15-00006-P	..... exempt	The minor electric rate filing of Mohawk Municipal Commission	Whether to increase Mohawk Municipal Commission's annual electric revenues by approximately \$113,119 or 13.74%
PSC-29-15-00016-P	..... exempt	A benefit-cost framework will be adopted to guide utility proposals within the context of REV and related proceedings	To develop a method for valuing resources that will further REV objectives
PSC-29-15-00017-P	..... exempt	Notification concerning tax refunds	To consider Verizon New York Inc.'s request to retain a portion of a property tax refund
PSC-29-15-00018-P	..... exempt	Approval of ratemaking related to amendment a certificate of public convenience and necessity	To approve or reject the ratemaking aspects of SLG's petition to amend its certificate of public convenience and necessity
PSC-29-15-00020-P	..... exempt	Whether to waive the requirement that the customer have telecommunications service in place 30 days prior to July 1, 2015	To waive the requirement that the customer have telecommunications service in place 30 days prior to July 1, 2015
PSC-29-15-00022-P	..... exempt	Notice of Intent to Submeter electricity	To consider the request of 92nd and 3rd Associates, LLC to submeter electricity at 205 East 92nd Street, New York, New York
PSC-29-15-00023-P	..... exempt	Notice of Intent to Submeter electricity	To consider the request of Bridge Land Hudson LLC to submeter electricity at 261 Hudson Street, New York, New York
PSC-29-15-00025-P	..... exempt	Joint Petition for authority to transfer real property located at 624 West 132nd Street, New York, NY	Whether to authorize the proposed transfer of real property located at 624 West 132nd Street, New York, NY
PSC-30-15-00003-P	..... exempt	Petition to transfer and merge systems, franchises and assets and issue debt.	To consider the Charter and Time Warner Cable merger and transfer of systems, franchises and assets and issuance of debt.
PSC-31-15-00004-P exempt	Proposed electric Energy Efficiency Budget and Metrics Plan	To establish an Energy Efficiency Budget and Metrics Plan for the Company's electric portfolio for the years 2016-2018

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-31-15-00005-P	..... exempt	Proposed gas Energy Efficiency Budget and Metrics Plan	To establish an Energy Efficiency Budget and Metrics Plan for the Company's gas portfolio for the years 2016-2018
PSC-31-15-00006-P	..... exempt	Proposed electric Energy Efficiency Budget and Metrics Plan	To establish an Energy Efficiency Budget and Metrics Plan for the Company's electric portfolio for the years 2016-2018
PSC-31-15-00007-P	..... exempt	Plan to convert petroleum pipeline into a natural gas pipeline	Whether to approve the proposed conversion plan submitted by NIC Holding Corp
PSC-31-15-00010-P	..... exempt	Whether to approve, reject or modify, in whole or in part, revisions to Appendix B of the December 12, 2014 Order	To revise Appendix B of the December 12, 2014 Order
PSC-31-15-00011-P	..... exempt	Clarification and revision of local distribution company inspection and remediation plans for plastic fusions	To grant, deny or modify, in whole or in part, the request in Orange & Rockland Utilities, Inc.'s Petition for Clarification
PSC-31-15-00013-P	..... exempt	Proposed gas Energy Efficiency Budget and Metrics Plan	To establish an Energy Efficiency Budget and Metrics Plan for the Company's gas portfolio for the years 2016-2018
PSC-31-15-00014-P	..... exempt	Proposed gas Energy Efficiency Budget and Metrics Plan	To establish an Energy Efficiency Budget and Metrics Plan for the Company's gas portfolio for the years 2016-2018
PSC-31-15-00015-P	..... exempt	Proposed gas Energy Efficiency Budget and Metrics Plan	To establish an Energy Efficiency Budget and Metrics Plan for the Company's gas portfolio for the years 2016-2018
PSC-31-15-00016-P	..... exempt	Proposed electric Energy Efficiency Budget and Metrics Plan	To establish an Energy Efficiency Budget and Metrics Plan for the Company's electric portfolio for the years 2016-2018
PSC-31-15-00017-P	..... exempt	Proposed electric Energy Efficiency Budget and Metrics Plans	To establish Energy Efficiency Budget and Metrics Plans for the Companies' electric portfolios for the years 2016-2018
PSC-31-15-00018-P	..... exempt	Proposed gas Energy Efficiency Budget and Metrics Plans	To establish Energy Efficiency Budget and Metrics Plans for the Companies' gas portfolios for the years 2016-2018
PSC-31-15-00019-P	..... exempt	Proposed electric Energy Efficiency Budget and Metrics Plan	To establish an Energy Efficiency Budget and Metrics Plan for the Company's electric portfolio for the years 2016-2018
PSC-31-15-00020-P	..... exempt	Proposed gas Energy Efficiency Budget and Metrics Plans	To establish Energy Efficiency Budget and Metrics Plans for the Companies' gas portfolios for the years 2016-2018
PSC-32-15-00004-P	..... exempt	Recommendations to accelerate switching between utility service and an ESCO	To consider recommendations to accelerate switching between utility service and an ESCO
PSC-32-15-00005-P	..... exempt	Petition for rehearing of the Order Adopting Dynamic Load Management Filings with Modifications	To consider a petition for rehearing of the Order Adopting Dynamic Load Management Filings with Modifications
PSC-32-15-00006-P	..... exempt	Development of a Community Solar Demonstration Project.	To approve the development of a Community Solar Demonstration Project.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-32-15-00007-P	..... exempt	Approval of cost recovery and incentive mechanisms for the NWA Project.	To approve the cost recovery and incentive mechanisms for the NWA Project.
PSC-32-15-00009-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To consider amendments to the Uniform Business Practices of ESCOs.
PSC-32-15-00012-P	..... exempt	Proposed standards for Commission oversight of Distributed Energy Resource suppliers.	To consider proposed standards for Commission oversight of Distributed Energy Resource suppliers.
PSC-32-15-00013-P	..... exempt	Establishing an electric Energy Efficiency Tracker (EE Tracker) program.	To approve the establishment of an electric EE Tracker program.
PSC-32-15-00014-P	..... exempt	Establishing a gas Energy Efficiency Tracker (EE Tracker) program.	To approve the establishment of a gas EE Tracker program.
PSC-32-15-00015-P	..... exempt	Establishing a gas Energy Efficiency Tracker (EE Tracker) program.	To approve the establishment of a gas EE Tracker program.
PSC-32-15-00016-P	..... exempt	Establishing a gas Energy Efficiency Tracker (EE Tracker) program.	To approve the establishment of a gas EE Tracker program.
PSC-32-15-00017-P	..... exempt	Establishing an electric Energy Efficiency Tracker (EE Tracker) program.	To approve the establishment of an electric EE Tracker program.
PSC-32-15-00018-P	..... exempt	Establishing an electric Energy Efficiency Tracker (EE Tracker) program.	To approve the establishment of an electric EE Tracker program.
PSC-32-15-00019-P	..... exempt	Establishing a gas Energy Efficiency Tracker (EE Tracker) program.	To approve the establishment of a gas EE Tracker program.
PSC-32-15-00020-P	..... exempt	Establishing an electric Energy Efficiency Tracker (EE Tracker) program.	To approve the establishment of an electric EE Tracker program.
PSC-32-15-00021-P	..... exempt	Establishing a gas Energy Efficiency Tracker (EE Tracker) program.	To approve the establishment of a gas EE Tracker program.
PSC-32-15-00022-P	..... exempt	Establishing a gas Energy Efficiency Tracker (EE Tracker) program.	To approve the establishment of a gas EE Tracker program.
PSC-32-15-00023-P	..... exempt	Establishing a gas Energy Efficiency Tracker (EE Tracker) program.	To approve the establishment of a gas EE Tracker program.
PSC-33-15-00006-P	..... exempt	Recovery of costs related to an RSSA.	To recover costs related to an RSSA for services from R.E. Ginna Nuclear Power Plant, LLC.
PSC-33-15-00007-P	..... exempt	Approval of revisions to Rule No. 35 updating wire line and wireless pole attachment rates.	To approve the proposed revisions to Rule No. 35 updating wire line and wireless pole attachment rates.
PSC-33-15-00008-P	..... exempt	Existing ratemaking, rate design and regulatory practices will be revised with a focus on outcomes and incentives.	To use the Commission's ratemaking authority to foster a DER-intensive system.
PSC-33-15-00009-P	..... exempt	Remote net metering of a demonstration community net metering program.	To consider approval of remote net metering of a demonstration community net metering program.
PSC-33-15-00012-P	..... exempt	Remote net metering of a Community Solar Demonstration Project.	To consider approval of remote net metering of a Community Solar Demonstration Project.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-34-15-00014-P	..... exempt	Notice of Intent to Submeter electricity	To consider the request of Herkimer Street Residence, L.P. to submeter electricity at 437 Herkimer Street, Brooklyn, New York
PSC-34-15-00017-P	..... exempt	The abandonment of the Haverstraw desalinization plant	To determine if abandoning the desalinization plant is in the public interest
PSC-34-15-00021-P	..... exempt	Petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs	To consider the petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs
PSC-35-15-00008-P	..... exempt	Major electric revenue increase	To consider an increase to its annual electric revenues by approximately \$857,227 or 6.2%
PSC-35-15-00009-P	..... exempt	Deferral of incremental storm restoration expenses	Consideration of Central Hudson Gas & Electric's request to defer incremental expenses incurred during storm restoration work
PSC-35-15-00010-P	..... exempt	Notice of Intent to Submeter Electricity	To consider the request of 605 West 42nd Owner LLC to submeter electricity at 605 West 42nd Street, New York, New York
PSC-35-15-00011-P	..... exempt	Demand based Standby Service Charges levied upon Offset Tariff customers accounts	To consider a revision to demand based Standby Service Charges levied upon Offset Tariff customers accounts
PSC-35-15-00012-P	..... exempt	Consideration of consequences against Spectrum Gas & Electric, LLC for violations of the UBP	To consider consequences against Spectrum Gas & Electric, LLC for violations of the UBP
PSC-35-15-00013-P	..... exempt	Consideration of consequences against Energy Your Way, LLC for violations of the UBP	To consider consequences against Energy Your Way, LLC for violations of the UBP
PSC-35-15-00014-P	..... exempt	Consideration of consequences against Light Power & Gas, LLC for violations of the UBP	To consider consequences against Light Power & Gas, LLC for violations of the UBP
PSC-35-15-00015-P	..... exempt	Consideration of consequences against National Power & Gas, Inc. for violations of the UBP	To consider consequences against National Power & Gas, Inc. for violations of the UBP
PSC-35-15-00016-P	..... exempt	Consideration of consequences against Engineered Energy Solutions, LLC for violations of the UBP	To consider consequences against Engineered Energy Solutions, LLC for violations of the UBP
PSC-35-15-00017-P	..... exempt	Consideration of consequences against Ipsum Solutions, Inc. for violations of the UBP	To consider consequences against Ipsum Solutions, Inc. for violations of the UBP
PSC-36-15-00025-P	..... exempt	Notice of Intent to submeter electricity.	To consider the request of 42 West Broad Developers LLC to submeter electricity at 42 Broad Street West, Mount Vernon, New York.
PSC-37-15-00006-P	..... exempt	Major electric rate filing	To consider an increase in NYSEG's electric delivery revenues by approximately \$122 million or 16.8%
PSC-37-15-00007-P	..... exempt	Submetered electricity	To consider the request of 89 Murray Street Ass. LLC, for clarification of the submetering order issued December 20, 2007
PSC-37-15-00008-P	..... exempt	Major gas rate filing	To consider an increase in NYSEG's gas delivery revenues by approximately \$36.3 million or 19.1%

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-37-15-00009-P	..... exempt	Major electric rate filing	To consider an increase in RG&E's electric delivery revenues by approximately \$53 million or 12.1%
PSC-37-15-00010-P	..... exempt	Major gas rate filing	To consider an increase in RG&E's gas delivery revenues by approximately \$21.8 million or 31.1%
PSC-37-15-00012-P	..... exempt	Issuance by Corning of long-term indebtedness	To consider Corning's petition for authority to issue approximately \$34.7 million in long-term debt
PSC-38-15-00007-P	..... exempt	Report of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 3	To consider the report of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 3
PSC-38-15-00008-P	..... exempt	Notice of Intent to submeter electricity	To consider the request of Community Counseling and Mediation to submeter electricity at 226 Linden Blvd., Brooklyn, New York
PSC-39-15-00008-P	..... exempt	Minor water rate filing	To consider an increase in Windham Ridge Water Corp.'s annual water revenues by approximately \$15,059 or 24.8%
PSC-39-15-00009-P	..... exempt	Waiver of Niagara Mohawk Power Corporation's electric Tariff PSC No. 220, Rule 16.8.1	To determine whether a five-year limit on deposit refunds for utility subdivision work should be extended via waiver
PSC-39-15-00010-P	..... exempt	Major gas revenue increase	To consider an increase to its annual gas revenues by approximately \$1,228,000 or 2.96%
PSC-39-15-00011-P	..... exempt	A joint proposal filed on September 9, 2015	Resolution of Cases 09-M-0114 and 09-M-0243 regarding alleged imprudent contractor-related construction expenditures
PSC-39-15-00012-P	..... exempt	Petition to submeter electricity	To consider the request of 47 East 34th Street (NY), L.P., to submeter electricity at 49 East 34th Street New York, New York
PSC-39-15-00013-P	..... exempt	Revisions to General Information Section 15 to allow recovery of certain NYISO tariff charges related to transmission projects	To consider revisions to General Information Section No. 15 to allow for recovery of certain NYISO charges
PSC-39-15-00014-P	..... exempt	Revisions to General Rule No. 25.1 to allow recovery of certain NYISO tariff charges related to transmission projects	To consider revisions to General Rule No. 25.1 to allow for recovery of certain NYISO charges related to transmission projects
PSC-40-15-00011-P	..... exempt	Proposed Public Policy Transmission Needs/ Public Policy Requirements, as defined under the NYISO tariff	To ensure that the bulk electric transmission system is sufficient to serve the public
PSC-40-15-00012-P	..... exempt	Establishment of the regulatory regime applicable to an approximately 106 MW electric generating facility	Consideration of approval of a lightened regulatory regime for an approximately 106 MW electric generating facility
PSC-40-15-00013-P	..... exempt	Issuance by Niagara Mohawk Power Corporation d/b/a National Grid of Long-Term indebtedness of up to \$2.07 billion	To consider a petition for authority to issue long-term indebtedness in the amount of up to \$2.07 billion until March 31, 2020
PSC-40-15-00014-P	..... exempt	Whether to permit the use of the Open Way 3.5 with cellular communications	To consider the use of the Open Way 3.5 electric meter, pursuant to 16 NYCRR Parts 92 and 93

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-41-15-00003-P	..... exempt	Whether to approve the use of the Siemens SEM3 Multi Tenant meter	To consider the use of the Siemens SEM3 submeter
PSC-41-15-00004-P	..... exempt	Whether to permit the use of the Enetics NILM Recorders	To consider permitting the use of the Enetics NILM Recorders
PSC-41-15-00005-P	..... exempt	Intergrow disputes National Grid's revenue assurance calculations	To consider whether the revenue assurance National Grid is requiring of Intergrow for the new interconnection is appropriate
PSC-41-15-00006-P	..... exempt	The addition of General Information Section 45 - Empire Zone Rate to Central Hudson's electric tariff	To consider the addition of General Information Section 45 - Empire Zone Rate to Central Hudson's electric tariff
PSC-41-15-00007-P	..... exempt	The allocation of costs for the extension of electric service	Whether to grant the complaint of Glenwyck Development, LLC
PSC-41-15-00008-P	..... exempt	Petition for deferral and recovery of lost revenue resulting from Central Hudson's proposed Empire Zone (EZ) Rate	To consider Central Hudson's petition for deferral and recovery of lost revenue resulting from its proposed EZ Rate provision
PSC-41-15-00009-P	..... exempt	Main Tier of the Renewable Portfolio Standard program	To consider allocating funding from the Main Tier to an eligible hydroelectric facility
PSC-41-15-00010-P	..... exempt	Revisions to SC No. 20 to include a new Managed Supply Service and to make changes to the Winter Bundled Sales Service	To consider revisions to SC No. 20 to include a new Managed Supply Service and make changes to the Winter Bundled Sales Service
PSC-41-15-00011-P	..... exempt	Deferral of incremental costs incurred in 2014 associated with increased gas leak response and repair activities	To consider a petition by Con Edison to defer certain incremental costs associated with gas leak response and repair activities
PSC-41-15-00012-P	..... exempt	Changes to the Commercial Demand Response programs, as well as conforming tariff revisions	To consider changes to the Commercial Demand Response programs, as well as conforming tariff revisions
PSC-42-15-00006-P	..... exempt	Deferral of incremental expenses associated with NERC's new Bulk Electric System (BES) compliance requirements approved by FERC.	Consideration of Central Hudson's request to defer incremental expenses associated with new BES compliance requirements.
PSC-42-15-00007-P	..... exempt	Notice of Intent to submeter electricity.	To consider the request of Sandy Clarkson LLC to submeter electricity at 310 Clarkson Avenue, Brooklyn, New York.
PSC-42-15-00008-P	..... exempt	Notice of Intent to submeter electricity.	To consider the request of 560 West 24th Street Condominium to submeter electricity at 552 West 24th Street, New York, New York.
PSC-42-15-00009-P	..... exempt	Revised method for assigning anniversary dates to net-metered residential PV customers.	To consider a revised method for assigning anniversary dates to net-metered residential PV customers.
PSC-42-15-00010-P	..... exempt	Petition for modification of Con Edison's S.C. No. 4 (Back-up/Supplementary) Steam Service.	To consider modifications to S.C. No. 4 of Con Edison's Schedule for Steam Service.
PSC-42-15-00011-P	..... exempt	Proposed transfer of ownership interests in Cayuga Operating Company, LLC and Somerset Operating Company, LLC.	To consider proposed transfer of ownership interests in Cayuga Operating Company, LLC and Somerset Operating Company, LLC.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-42-15-00012-P	..... exempt	Establishment of the regulatory regime applicable to a proposed natural gas pipeline facility.	Consideration of a lightened regulatory regime for a proposed natural gas pipeline facility.
PSC-42-15-00013-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.
PSC-43-15-00005-P	..... exempt	Modification of the deferral recovery provisions of Conning Natural Gas Corporation's three-year gas rates plan	To consider the modification of the deferral recovery provisions of the three-year gas rates plan
PSC-44-15-00021-P	..... exempt	AMI Business Plan of Con Edison	To consider Con Edison's AMI Business Plan
PSC-44-15-00022-P	..... exempt	Cost recovery mechanism	To consider the addition of components to RG&E's Supply Charge for RG&E to recover costs for the NY Transco LLC projects
PSC-44-15-00023-P	..... exempt	Cost recovery mechanism	To consider the addition of components to NYSEG's Supply Charge for NYSEG to recover costs for the NY Transco LLC projects
PSC-44-15-00024-P	..... exempt	The development of reliability contingency plan(s) to address the potential retirement of Indian Point Energy Center	To identify the proposed projects for inclusion in the Indian Point Energy Center reliability contingency plan(s)
PSC-44-15-00025-P	..... exempt	Distributed System Implementation Plan Guidance	To consider DPS Staff's proposal regarding the filing of Distributed System Implementation Plans by utilities
PSC-44-15-00026-P	..... exempt	Transfer of water supply assets.	To consider the transfer of the water supply assets of Beekman Water Company, Inc. to the Town of East Fishkill.
PSC-44-15-00027-P	..... exempt	To establish a surcharge to recover costs due to unexpected repairs	To consider the recovery of expenses incurred as a result of having to replace two well pumps and electrical repairs
PSC-44-15-00028-P	..... exempt	Deferral of incremental expenses associated with new compliance requirements	Consideration of Central Hudson's request to defer incremental expenses associated with new compliance requirements
PSC-44-15-00029-P	..... exempt	Rider L - Direct Load Control (DLC) program and Residential Smart Appliance Program (RSAP)	To consider enhancing the DLC program and RSAP by expanding and increasing flexibility of both programs
PSC-44-15-00030-P	..... exempt	System Improvement Plan mechanism	To consider Bath's petition to implement a SIP mechanism
PSC-44-15-00031-P	..... exempt	Transfer ownership of property	To consider the transfer of street lighting assets to the Town of Greece
PSC-44-15-00032-P	..... exempt	Rider H - Non Residential Distributed Generation	To consider revisions to Rider H to allow for the aggregation of distributed generation capacity under certain circumstances
PSC-45-15-00010-P	..... exempt	Notice of Intent to submeter electricity.	To consider the request of One Vandam Condominium to submeter electricity at 180 Avenue of the Americas, New York, New York.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-47-15-00008-P	..... exempt	Notice of Intent to Submeter electricity	To consider the request of 150 Charles Street Holdings LLC to submeter electricity at 150 Charles Street, New York, New York
PSC-47-15-00009-P	..... exempt	Addition of LED options to NMPC's SC No. 2 in its street lighting schedule, P.S.C. No. 214 - Electricity	To consider the addition of LED options to NMPC's SC No. 2 in its street lighting schedule, P.S.C. No. 214 - Electricity
PSC-47-15-00010-P	..... exempt	Use of the AMETEK JEMStar II Digital Power Meter	To consider permitting the use of AMETEK Power Instrument's JEMStar II Digital Power Meter for electric metering applications
PSC-47-15-00011-P	..... exempt	SIR and the interconnection of Distributed Generation	Consider SIR and the interconnection of Distributed Generation
PSC-47-15-00012-P	..... exempt	Reimbursement of costs for construction under 16 NYCRR 230	To determine proper reimbursement for costs related to trenching and construction
PSC-47-15-00013-P	..... exempt	Whitepaper on Implementing Lightened Ratemaking Regulation.	Consider Whitepaper on Implementing Lightened Ratemaking Regulation.
PSC-47-15-00014-P	..... exempt	The calculation of NYSEG and RG&E's Percent of Estimate customer service quality metric for February 2015.	To consider a petition by NYSEG and RG&E to normalize the February 2015 level of meter reading estimates.
PSC-47-15-00015-P	..... exempt	Petition to transfer and merge telephone and cable systems, franchises and assets and issue debt.	Consider the the proposed acquisition of Cablevision, its systems, franchises and assets, by Altice and the issuance of debt.
PSC-48-15-00010-P	..... exempt	Lightened and incidental regulation of a 55 MW electric and steam generating facility.	Consider the lightened and incidental regulation of a 55 MW electric and steam generating facility.
PSC-48-15-00011-P	..... exempt	Proposal to retire Huntley Units 67 and 68 on March 1, 2016.	Consider the proposed retirement of Huntley Units 67 and 68.
PSC-49-15-00006-P	..... exempt	Petition to waive monthly billing for certain net-metered customers	To consider the request of Central Hudson to continue bimonthly meter reading and billing for certain net-metered customers
PSC-49-15-00007-P	..... exempt	Petition to transfer assets of AOMNE to NYAW	To consider the petition to transfer assets of AOMNE to NYAW
PSC-49-15-00008-P	..... exempt	Request of the New York Independent System Operator, Inc. to incur indebtedness	To consider a petition filed by the New York Independent System Operator, Inc. to incur indebtedness
PSC-49-15-00009-P	..... exempt	Petition for rehearing of the Order Establishing Interim Ceilings on the Interconnection of Net Metered Generation	To consider a Petition for rehearing of the Order Establishing Interim Ceilings on the Interconnection of Net Metered Generation
PSC-49-15-00010-P	..... exempt	Proposed revisions to Rule 34 - Economic Development Programs and SC No. 12 - Special Contract Rates	To consider revisions to Rule 34 - Economic Development Programs and SC No. 12 - Special Contract Rates
PSC-50-15-00006-P	..... exempt	The reduction of rates.	To consider the reduction of rates charged by Independent Water Works, Inc.
PSC-50-15-00007-P	..... exempt	Collaborative Report on proposed consumer protections for the low income customers of energy services companies.	To consider the Collaborative Report on proposed consumer protections for the low income customers of energy services companies.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-50-15-00008-P	..... exempt	The transfer of 1,064 utility poles.	To consider the transfer of 1,064 utility poles from Orange and Rockland Utilities, Inc. to Frontier Communications Corp.
PSC-50-15-00009-P	..... exempt	Notice of Intent to submeter electricity.	To consider the request to submeter electricity at 31-33 Lincoln Road and 510 Flatbush Avenue, Brooklyn, New York.
PSC-51-15-00009-P	..... exempt	The New York State Reliability Council's establishment of an Installed Reserve Margin of 17.5%	To consider an Installed Reserve Margin for the Capability Year beginning May 1, 2016, and ending April 30, 2017
PSC-51-15-00010-P	..... exempt	Modification of the EDP	To consider modifying the EDP
PSC-51-15-00011-P	..... exempt	National Grid's electric Economic Development Programs	To consider modifications to the economic development assistance to qualified businesses
PSC-51-15-00013-P	..... exempt	A waiver of the rule requiring new electric lines to be constructed underground in residential subdivisions	To consider a waiver of the rule requiring new electric lines to be constructed underground in residential subdivisions
STATE, DEPARTMENT OF			
DOS-22-15-00017-P	..... 06/02/16	Facility requirements for businesses which offer appearance enhancement services	Increase ventilation standards for businesses which offer appearance enhancement services
DOS-28-15-00004-EP	..... 08/30/16	Installation of carbon monoxide detecting devices in commercial buildings	To amend the State Uniform Fire Prevention and Building Code (Uniform Code) by adding standards requiring the installation of carbon monoxide detecting devices in every commercial building
DOS-43-15-00001-P	..... 10/27/16	Experience requirements	Clarify maximum hours of experience through review appraisals
DOS-43-15-00002-P	..... 10/27/16	Appraisal Standards	To adopt the 2016-2017 edition of the Uniform Standards of Professional Appraisal Practice
DOS-47-15-00016-P	..... 01/28/17	State Energy Conservation Construction Code (the "Energy Code")	To repeal the existing Energy Code and to adopt a new, updated Energy Code
DOS-47-15-00017-P	..... 01/27/17	Adopt updated provisions for the Uniform Fire Prevention and Building Code ("Uniform Code")	To repeal the existing text of the Uniform Code and adopt updated text for the Uniform Code
DOS-49-15-00003-P	..... 12/08/16	Cemetery annual financial reports; commercial crime coverage; and permanent maintenance fund contributions	To reduce the financial reporting burden and expense on cemeteries and ensure timely, accurate and complete reports are filed
STATE UNIVERSITY OF NEW YORK			
SUN-38-15-00002-P	..... 09/22/16	Proposed amendments to traffic and parking regulations at State University of New York University at Buffalo	Amend existing regulations to update traffic and parking regulations
SUN-45-15-00001-P	..... 11/09/16	To name a new street under construction on the Stony Brook Medical Center	To more clearly define traffic patterns at the Medical Center of Stony Brook University
SUN-47-15-00005-EP	..... 11/24/16	College tuition and fees	To amend the tuition and fees to allow for resident or in-state tuition to certain veterans and their dependents

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
TAXATION AND FINANCE, DEPARTMENT OF			
TAF-49-15-00004-P	..... exempt	Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith	To set the sales tax component and the composite rate per gallon for the period January 1, 2016 through March 31, 2016
TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF			
*TDA-49-14-00001-P	..... 12/10/15	Local Advisory Councils	Repeal the regulatory requirement that social services districts establish and maintain local advisory councils
TDA-20-15-00001-P	..... 05/19/16	Information appropriate for victims of sexual assault	To require social services districts to make all applicants for and recipients of public assistance aware of their option to receive information appropriate for victims of sexual assault consistent with Chapter 427 of the Laws of 2009
TDA-22-15-00005-P	..... 06/02/16	Supplemental Nutrition Assistance Program	Update regulations for the Transitional Benefits Alternative program
TDA-27-15-00002-P	..... 07/07/16	Child support federal incentive payments	To update State procedures to distribute federal child support incentives and allocate portions thereof to local districts
TDA-37-15-00005-P	..... 09/15/16	Monthly Shelter Supplements	To update State regulations to reflect current State law
TDA-39-15-00016-P	..... 09/29/16	Temporary Housing Placements	Adjust the rate approval process for temporary housing placements and expand the scope of inspections for such placements
TDA-45-15-00011-P	..... 11/09/16	Burden of proof at fair hearings challenging Interim Assistance Reimbursement (IAR) amounts	Clarify existing State regulations relative to fair hearings and render them consistent with New York State court precedents
TDA-45-15-00012-P	..... 11/09/16	Public Assistance (PA) resources exemption for four-year accredited post-secondary educational institutions	To update State regulation governing PA resources exemption, rendering it consistent with Chapter 58 of the Laws of 2014
TDA-46-15-00005-P	..... 11/17/16	Storage of furniture and personal belongings	Provide clarification regarding allowances for the storage of furniture and personal belongings
TDA-47-15-00004-P	..... 11/24/16	Child Support Program	Amend regulatory requirements concerning the distribution and disbursement of child support collections
TRANSPORTATION, DEPARTMENT OF			
TRN-45-15-00002-P	..... 11/09/16	Liability insurance policies required for Highway Work Permits	To make it easier and less costly for permittees to obtain the liability coverage necessary to obtain Highway Work Permits
TRN-47-15-00002-P	..... 11/24/16	Various regulations addressing accident reporting, record retention, insurance, vehicle inspection and equipment identification	Updates to regulations addressing accident reporting, record retention, insurance, vehicle inspection, equipment identification
TRN-48-15-00005-P	..... 12/01/16	Updates to various household goods provisions	Updates various household goods provisions

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
VICTIM SERVICES, OFFICE OF			
OVS-45-15-00008-P	11/09/16	Attorney's fees for representation before the office and/or before the appellate division upon judicial review	The purpose of this rule change is to limit attorney's fees pursuant to article 22 of the Executive Law
OVS-45-15-00009-P	11/09/16	Reduction or denial of a claim based on victim's conduct contributing	Create standards for the reduction or denial of a claim based on the victim's conduct contributing
WORKERS' COMPENSATION BOARD			
WCB-14-15-00009-P	04/07/16	Health Insurance Matching Program (HIMP)	Provide the process for health insurers to recover from workers' compensation carriers
WCB-37-15-00004-EP	09/15/16	Ambulatory Surgery Fee Schedule	Update the methodology for the computation of fees for ambulatory surgery to an Ambulatory Patient Groups (APG) system
WCB-45-15-00019-P	11/09/16	Stipulations	To streamline the process for parties to enter into stipulations in workers' compensation proceedings
WCB-45-15-00020-P	11/09/16	Requests for Administrative Review	To clarify the process for requesting administrative review and full Board review including requests for reconsideration
WCB-45-15-00021-P	11/09/16	Convene Board hearings by electronic means	Permit the Chair to convene Board hearings by electronic means
WCB-45-15-00022-P	11/09/16	Voluntary Binding Review of Decisions	To permit parties to a workers' compensation case to enter into voluntary binding review of issues related to compensation
WCB-45-15-00023-P	11/09/16	Permitted expenses for funerals	To increase the permitted amount for reimbursement of funeral and memorial services for work related deaths
WCB-45-15-00025-P	11/09/16	Medical Treatment Guideline variances	Permit the Chair to require submission of variance requests via an electronic medical portal
WCB-45-15-00026-P	11/09/16	Medical Authorizations	Permit the Chair to require submission of medical authorization requests via an electronic medical portal
WCB-45-15-00027-P	11/09/16	Medical Treatment Guideline optional prior approval	Change the time to respond from business days to calendar days

SECURITIES OFFERINGS

STATE NOTICES

Published pursuant to provisions of General Business Law
[Art. 23-A, § 359-e(2)]

DEALERS; BROKERS

AEA Investors Executive Fund VI LP
666 Fifth Ave., 36th Fl., New York, NY 10103
Partnership — AEA Investors Executive Partners VI LLC

APJeT, Inc.
523 Davis Dr., Durham, NC 27713
State or country in which incorporated — Delaware

APJeT Venture LLC
Six Landmark Sq., Third Fl., Stamford, CT 06901
Partnership — Centripetal Management, LLC

ARC 2015 126th Street Investors LLC
54 W. 21st St., Suite 709, New York, NY 10010
State or country in which incorporated — Delaware

Around The World Limited Liability Company
818 W. Diamond Ave., Suite 250, Gaithersburg, MD 20878
State or country in which incorporated — Delaware

AS Property No. 2 REIT LLC
Level 33, 50 Lonsdale St., Melbourne, Victoria, Australia 3000

AS Property Pearl REIT LLC
Level 33, 50 Lonsdale St., Melbourne, Victoria, Australia 3000

Banner Apartments Fund III-A Operating Limited Partnership
500 Skokie Blvd., Suite 1600, Northbrook, IL 60062
Partnership — Banner Apartments Fund III REIT, LLC

Banner Lombard Storage, LLC
500 Skokie Blvd., Suite 1600, Northbrook, IL 60062

Blue Horizon International AG
214 State St., Suite 101, Hackensack, NJ 07601
State or country in which incorporated — Switzerland

Canaan Valley Capital Fund LP
2187 Atlantic St., Fourth Fl., Stamford, CT 06902
Partnership — Canaan Valley Capital GP LLC

Chardan Capital Markets, LLC
17 State St., Suite 1600, New York, NY 10004
State or country in which incorporated — New York

Constant Health Solutions, Inc.
21 Parkvale Ave., Apt. 8, Boston, MA 02134
State or country in which incorporated — Delaware

CoveMark Diversified Energy Fund, LLC
5760 Legacy Dr., Suite B3-318, Plano, TX 75024
State or country in which incorporated — Texas

CoveMark EP, LLC
5760 Legacy Dr., Suite B3-318, Plano, TX 75024
State or country in which incorporated — Texas

Dermody Properties Industrial Fund L.P.
5500 Equity Ave., Reno, NV 89502
Partnership — Dermody GP, LLC

DMS Global Tactical Asset Allocation Fund LLC
6700 Antioch Rd., Suite 420, Merriam, KS 66204

Eversept Global Healthcare Fund, LP
1745 Broadway, 24th Fl., New York, NY 10019
Partnership — Eversept GP, LLC

Green Leaf Fund III, L.P.
588 San Ramon Valley Blvd., Suite 200, Danville, CA 94526
Partnership — Green Leaf Capital Partners II LLC

Hadestown Development LLC
113 Adams Dr., Princeton, NJ 08540
State or country in which incorporated — Delaware

Hallmark Investments, Inc.
260 Madison Ave., 8th Fl., New York, NY 10016
State or country in which incorporated — New York

Hamilton Robinson Capital Partners L.P. IV
281 Tresser Blvd., Stamford, CT 06901
Partnership — Hamilton Robinson Associates IV LLC

Hamilton Robinson Capital Partners L.P. IV QP
281 Tresser Blvd., Stamford, CT 06901
Partnership — Hamilton Robinson Associates IV LLC

Havens International Enhanced Fund, Ltd.
c/o Maples Corporate Services Limited, P.O. Box 309, Ugland House,
Grand Cayman, Cayman Islands KY1-1104
State or country in which incorporated — Cayman Islands

Havens International Investors, Ltd.
c/o Maples Corporate Services Limited, P.O. Box 309, Ugland House,
Grand Cayman, Cayman Islands KY1-1104
State or country in which incorporated — Cayman Islands

Investment Managers Series Trust
235 W. Galena St., Milwaukee, WI 53212
State or country in which incorporated — Delaware

JGB Partners L.P.
21 Charles St., Suite 160, Westport, CT 06880
Partnership — JGB Capital Management, L.P.

Juniata Valley Financial Corporation
Bridge and Main Streets, P.O. Box 66, Mifflintown, PA 17059
State or country in which incorporated — Pennsylvania

Kinduct Technologies Inc.
7071 Bayers Rd., Suite 300, Halifax, Nova Scotia, Canada B3L 2C2
State or country in which incorporated — Canada

Luxor Venture Partners, LP
1114 Avenue of the Americas, 29th Fl., New York, NY 10036
Partnership — Luxor Venture Partners GP, LLC

Maxim Group LLC
405 Lexington Ave., New York, NY 10174
State or country in which incorporated — New York

MBSC Securities Corporation
200 Park Ave., New York, NY 10166
State or country in which incorporated — New York

NeXtGen Biologics, INC.
747 SW 2nd Ave., IMB #5, Gainesville, FL 32601
State or country in which incorporated — Delaware

Niagara Falls Country Club
505 Mountain View Dr., Lewiston, NY 14092
State or country in which incorporated — New York

North End Phase IV LLC
301 E. Erie St., Milwaukee, WI 53202
State or country in which incorporated — Wisconsin

One Fin Capital LP
One Maritime Plaza, 11th Fl., San Francisco, CA 94111
Partnership — One Fin Capital GP LLC

OrthoSensor, Inc.
1855 Griffin Rd., Suite A-310, Dania Beach, FL 33004-2401
State or country in which incorporated — Delaware

Overland Park Equity LLC
301 E. Erie St., Milwaukee, WI 53202
State or country in which incorporated — Wisconsin

Payson Drilling Fund 2015 II, LP
2652 FM 407 E, Suite 250, Bartonville, TX 76226
Partnership — Payson Petroleum Management Partners, LLC

Principal Green Property Fund Employees II, LLC
801 Grand Ave., Des Moines, IA 50392
Partnership — Principal Real Estate Investors, LLC

Renzell, Inc.
902 Broadway, 6th Fl., New York, NY 10010
State or country in which incorporated — Delaware

Riverchase Funding, LLC
2150 Post Rd., Suite 301, Fairfield, CT 06824

RMA Capital Partners LP
810 Seventh Ave., 27th Fl., New York, NY 10019
Partnership — RMA Capital Associates LLC

RT SQ Special Opportunities, LLC
260 E. Brown St., Suite 380, Birmingham, MI 48009
State or country in which incorporated — Delaware

Sea Smoke Fund, LLC
c/o SMP Products, L.L.C., 100 Washington Blvd., 5th Fl., Stamford, CT 06902

Silver Mountain Partners, LP
c/o Leonard Capital Management, Inc., 60 Stargazer Way, Sedona, AZ 86336
Partnership — Leonard Capital Management, Inc.

Stardust Road London Development LLC
1560 Broadway, Suite 1106, New York 10036
State or country in which incorporated — New York

Swift Real Estate Partners Fund II, L.P.
260 California St., Suite 300, San Francisco, CA 94111
Partnership — Swift Fund II GP, LLC

Theorem Main Fund LP
360 3rd St., Fl. 7, San Francisco, CA 94107
Partnership — Theorem Partners LLC

Tudor Global Investment Fund L.P.
1275 King St., Greenwich, CT 06831
Partnership — Tudor Investment Corporation

Two Hat Security Research Corp.
204-1450 St. Paul St., Kelowna, BC, Canada V1Y 2E4
State or country in which incorporated — Canada

Urgent Care Partners, Inc.
901 Sunvalley Blvd., Suite 100, Concord, CA 94520
State or country in which incorporated — Delaware

YogaHome LLC
6805 Morrison Blvd., Suite 380, Charlotte, NC 28211
State or country in which incorporated — Delaware

ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

SEALED BIDS

PROVIDE
SALT STORAGE BUILDING
Department of Transportation Region 6
Kanona, Steuben County

Sealed bids for Project Nos. 45096-C, 45096-E, comprising separate contracts for Construction Work and Electrical Work, Provide Salt Storage Building, DOT Region 6, Route 53, Kanona (Steuben County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Contract Administration, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Transportation, until 2:00 p.m. on Wednesday, January 13, 2016, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of \$23,400 for C and \$4,100 for E.

All successful bidders on a multiple trade project or the successful bidder with a bid over \$200,000 on a single trade project, will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$250,000 and \$500,000 for C and between \$25,000 and \$50,000 for E. The requirement for Labor and Material and Performance Bonds may be waived on a bid under \$200,000 on a single trade project.

Pursuant to State Finance Law § 139-j and § 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest notice of intent to solicit offers through final award and approval of the Procurement Contract by OGS D&C and Office of the State Comptroller ("restricted period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are Frank Peris and Carl Ruppert in the Bureau of Contract Awards, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director of Design and Construction, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a 4 year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the new Legislative and State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://ogs.ny.gov/aboutogs/regulations/defaultAdvisoryCouncil.asp>.

As a condition of award, within 48 hours of receipt of the proposed Contract Agreement from the State, the low bidder shall return the Contract Agreement to the State, properly executed, along with the Bonds if required by said Agreement. Low bidders who cannot meet these provisions may be subject to disqualification and forfeiture of the bid security.

The State intends to expedite award of this Contract and the Contractor shall be prepared to proceed with the Work accordingly. Bidders are warned that time is of the essence of the Contract and completion of the Work must be within 100 days after the Agreement is approved by the Comptroller. Due to the tightness of the construction schedule, bidders should consider the necessity for an increased work force and shift operations.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on January 5, 2016 at DOT Region 6, Steuben County, Route 53, Kanona, NY. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply and all vehicles will be subject to search.

For assistance pertaining to the site visit only, please phone Rick Testa (607)734-0592.

It is the policy of the State and the Office of General Services to encourage meaningful minority business enterprise participation in this project by contractors, subcontractors and suppliers who perform commercially useful functions under the Contract, and all bidders are expected to cooperate in implementing this policy.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Contractors and other interested parties can order CD's on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: <http://www.ogs.ny.gov/bu/dc/esb/acquirebid.asp>.

For questions about purchase of bid documents, please send an e-mail to D&C.Plans@ogs.ny.gov, or call toll free at 1-877-647-7526.

For additional information on this project, please use the link below and then click on the project number: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>.

By *John D. Lewyckyj, Deputy Director*
OGS - Design & Construction Group

UPGRADE
VEHICLE BAY DRAIN SYSTEMS
Various Department of Transportation
Region 5 Facilities
Erie County

Sealed bids for Project No. 45236-C, for Construction Work, Upgrade Vehicle Bay Drain Systems, Various Region 5 Facilities, (Erie County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Contract Administration, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Transportation, until 2:00 p.m. on Wednesday, January 13, 2016, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of \$15,900 for C.

Further, Wicks Exempt Projects require a completed BDC 59 be filled out and submitted (included in a separate, sealed envelope) in accordance with Document 002220, Supplemental Instructions to Bidders – Wicks Exempt. Failure to submit this form correctly will result in a disqualification of the bid.

The value of the Contract is estimated to be between \$100,000 and \$250,000.

Pursuant to State Finance Law § 139-j and § 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest notice of intent to solicit offers through final award and approval of the Procurement Contract by OGS D&C and Office of the State Comptroller (“restricted period”) to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are Frank Peris and Carl Ruppert in the Bureau of Contract Awards, telephone (518) 474-0203, fax (518) 473-7862 and John Lewycky, Deputy Director of Design and Construction, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a 4 year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the new Legislative and State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://ogs.ny.gov/aboutogs/regulations/defaultAdvisoryCouncil.asp>.

The substantial completion date for this project is 200 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 8:00 a.m. - 9:00 a.m. at Clarence DOT, 9070 Sheridan Drive, Clarence, NY and 11:00 a.m. – 12:00 p.m. at Gowanda DOT, 14229 Gowanda St. Road, Collins, NY on December 31, 2015. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply and all vehicles will be subject to search.

For assistance pertaining to the site visit only, please phone Jeremy Krupski (716)885-0908.

It is the policy of the State and the Office of General Services to encourage meaningful minority business enterprise participation in this project by contractors, subcontractors and suppliers who perform commercially useful functions under the Contract, and all bidders are expected to cooperate in implementing this policy.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Contractors and other interested parties can order CD's on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link for ordering and payment instructions: <http://www.ogs.ny.gov/bu/dc/esb/acquirebid.asp>.

For questions about purchase of bid documents, please send an e-mail to D&C.Plans@ogs.ny.gov, or call toll free at 1-877-647-7526.

For additional information on this project, please use the link below and then click on the project number: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>.

*By John D. Lewycky, Deputy Director
OGS - Design & Construction Group*

MISCELLANEOUS NOTICES/HEARINGS

Notice of Abandoned Property Received by the State Comptroller

Pursuant to provisions of the Abandoned Property Law and related laws, the Office of the State Comptroller receives unclaimed monies and other property deemed abandoned. A list of the names and last known addresses of the entitled owners of this abandoned property is maintained by the office in accordance with Section 1401 of the Abandoned Property Law. Interested parties may inquire if they appear on the Abandoned Property Listing by contacting the Office of Unclaimed Funds, Monday through Friday from 8:00 a.m. to 4:30 p.m., at:

1-800-221-9311
or visit our web site at:
www.osc.state.ny.us

Claims for abandoned property must be filed with the New York State Comptroller's Office of Unclaimed Funds as provided in Section 1406 of the Abandoned Property Law. For further information contact: Office of the State Comptroller, Office of Unclaimed Funds, 110 State St., Albany, NY 12236.

PUBLIC NOTICE

Department of State
F-2015-0613

Date of Issuance – December 23, 2015

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program. The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2015-0613, East End Ventures, LLC, Sag Harbor Cove, Village of Sag Harbor, Suffolk County, NY; The applicant is proposing to construct a fixed 11-slip dock structure in Sag Harbor Cove located in the Village of Sag Harbor at 1, 3, 5 Ferry Road. The proposed dock structure will consist of: a 6' W x 45' L access ramp over existing rip rap onto a 6' W x 361' L main dock, two 6' wide offshore finger piers, four 4' wide interior finger piers, 100' of splashguard system below offshore finger piers, 16 mooring piles, and water and electric services.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or, January 8, 2016.

Comments should be addressed to the Consistency Review Unit, Department of State, Office of Planning and Development, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

COURT NOTICES

AMENDMENT OF RULE

Uniform Rules for the Supreme and County Courts

Pursuant to the authority vested in me, and with the advice and consent of the Administrative Board of the Courts, I hereby amend section 202.70(g) of the Uniform Rules for the Supreme and County Courts (Rules of Practice for the Commercial Division), relating to the preamble of the rules, effective December 1, 2015, to read as follows:

(g) Rules of practice for the Commercial Division

* * *

Preamble. The Commercial Division understands that the businesses, individuals and attorneys who use this Court have expressed their frustration with adversaries who engage in dilatory tactics, fail to appear for hearings or depositions, unduly delay in producing relevant documents, or otherwise cause the other parties in a case to incur unnecessary costs. The Commercial Division will not tolerate such practices. The Commercial Division is mindful of the need to conserve client resources, *encourage proportionality in discovery*, promote efficient resolution of matters, and increase respect for the integrity of the judicial process. Litigants and counsel who appear in this Court are directed to review the Rules regarding sanctions, including the provisions in Rule 12 regarding failure to appear at a conference, Rule 13(a) regarding adherence to discovery schedules, and Rule 24(d) regarding the need for counsel to be fully familiar with the case when making appearances. Sanctions are also available in this Court under Rule 3126 of the Civil Practice Law and Rules and Part 130 of the Rules of the Chief Administrator of the Courts. The judges in the Commercial Division will impose appropriate sanctions and other remedies and orders as is warranted by the circumstances. Use of these enforcement mechanisms enables the Commercial Division to function efficiently and effectively, and with less wasted time and expense for the Court, parties and counsel. Nothing herein is intended to expand or alter the scope and/or remedies available under the above-cited sanction rules.

AMENDMENT OF RULE

Uniform Rules for the Supreme and County Courts

Pursuant to the authority vested in me, and with the advice and consent of the Administrative Board of the Courts, I hereby amend section 202.70(g) of the Uniform Rules for the Supreme and County Courts (Rules of Practice for the Commercial Division), relating to the preamble of the rules, effective December 1, 2015, to read as follows:

Rule 3. Alternative Dispute Resolution (ADR).

At any stage of the matter, the court may direct or counsel may seek the appointment of an uncompensated mediator for the purpose of mediating a resolution of all or some of the issues presented in the litigation. *Additionally, counsel for all parties may stipulate to having the case determined by a summary jury trial pursuant to any applicable local rules or, in the absence of a controlling local rule, with permission of the court.*

AMENDMENT OF RULE

Uniform Rules for the Supreme and County Courts

Pursuant to the authority vested in me, and with the advice and consent of the Administrative Board of the Courts, I hereby amend

Rule 6 of section 202.70(g) of the Uniform Rules for the Supreme and County Courts (Rules of Practice for the Commercial Division), relating to form of papers, effective December 1, 2015, to read as follows:

Rule 6. Form of Papers.

All papers submitted to the Commercial Division shall comply with CPLR 2101 and section 202.5(a). Papers shall be double-spaced and contain print no smaller than twelve-point, or 8½ x 11 inch paper, bearing margins no smaller than one inch. The print size of footnotes shall be no smaller than ten-point. Papers also shall comply with Part 130 of the Rules of the Chief Administrator. *Each electronically-submitted memorandum of law and, where appropriate, affidavit and affirmation shall include bookmarks providing a listing of the document's contents and facilitating easy navigation by the reader within the document.*

AMENDMENT OF RULE

Uniform Rules for the Supreme and County Courts

Pursuant to the authority vested in me, and with the advice and consent of the Administrative Board of the Courts, I hereby (1) amend Rule 11-d of section 202.70(g) of the Uniform Rules for the Supreme and County Courts (Rules of Practice for the Commercial Division), relating to limitations on depositions, and (2) adopt Rule 11-f of section 202.70(g) of the Uniform Rules for the Supreme and County Courts (Rules of Practice for the Commercial Division), relating to deposition of entities and identification of matters, effective December 1, 2015, to read as follows:

Rule 11-d. Limitations on Depositions.

(a) Unless otherwise stipulated to by the parties or ordered by the court:

(1) the number of depositions taken by plaintiffs, or by defendants, or by third-party defendants, shall be limited to 10; and

(2) depositions shall be limited to 7 hours per deponent.

(b) Notwithstanding subsection (a)(1) of this Rule, the propriety of and timing for depositions of non-parties shall be subject to any restrictions imposed by applicable law.

(c) For the purposes of subsection (a)(1) of this Rule, the deposition of an entity *through one or more representatives* [pursuant to CPLR 3106(d)] shall be treated as a single deposition even though more than one person may be designated to testify on the entity's behalf.

(d) For the purposes of this Rule, each deposition of an officer, director, principal or employee of an entity who is also a fact witness, as opposed to an entity representative [pursuant to CPLR 3106(d),] shall constitute a separate deposition.

(e) *For the purposes of subsection (a)(2) of this Rule, the deposition of an entity shall be treated as a single deposition even though more than one person may be designated to testify on the entity's behalf. Notwithstanding the foregoing, the cumulative presumptive durational limit may be enlarged by agreement of the parties or upon application for leave of Court, which shall be freely granted.*

(f)[(e)] For good cause shown, the court may alter the limits on the number of depositions or the duration of an examination.

(g)[(f)] Nothing in this Rule shall be construed to alter the right of any party to seek any relief that it deems appropriate under the CPLR or other applicable law.

* * *

Rule 11-f. Depositions of Entities; Identification of Matters.

(a) A notice or subpoena may name as a deponent a corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government, or governmental subdivision, agency or instrumentality, or any other legal or commercial entity.

(b) Notices and subpoenas directed to an entity may enumerate the matters upon which the person is to be examined, and if so enumerated, the matters must be described with reasonable particularity.

(c) If the notice or subpoena to an entity does not identify a particular officer, director, member or employee of the entity, but elects to set forth the matters for examination as contemplated in section (b) of this Rule, then no later than ten days prior to the scheduled deposition:

(1) the named entity must designate one or more officers, directors, members or employees, or other individual(s) who consent to testify on its behalf;

(2) such designation must include the identity, description or title of such individual(s); and

(3) if the named entity designates more than one individual, it must set out the matters on which each individual will testify.

(d) If the notice or subpoena to an entity does identify a particular officer, director, member or employee of the entity, but elects to set forth the matters for examination as contemplated in section (b) of this Rule, then:

(1) pursuant to CPLR 3106(d), the named entity shall produce the individual so designated unless it shall have, no later than ten days prior to the scheduled deposition, notified the requesting party that another individual would instead be produced and the identity, description or title of such individual is specified. If timely notification has been so given, such other individual shall instead be produced;

(2) pursuant to CPLR 3106(d), a notice or subpoena that names a particular officer, director, member, or employee of the entity shall include in the notice or subpoena served upon such entity the identity, description or title of such individual; and

(3) if the named entity, pursuant to subsection (d)(1) of this Rule, cross-designates more than one individual, it must set out the matters on which each individual will testify.

(e) A subpoena must advise a nonparty entity of its duty to make the designations discussed in this Rule.

(f) The individual(s) designated must testify about information known or reasonably available to the entity.

(g) Deposition testimony given pursuant to this Rule shall be usable against the entity on whose behalf the testimony is given to the same extent provided in CPLR 3117(2) and the applicable rules of evidence.

(h) This Rule does not preclude a deposition by any other procedure allowed by the CPLR.